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House of Representatives

The House met at 10 a.m.

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

''Love justice, rulers of the earth, set your mind upon the Lord, as is your duty. Seek the Lord with simplicity of heart. He is found by those who trust Him without question, and makes Himself known to those who never doubt Him.''

Lord, how boldly You speak, in the opening words of the Book of Wisdom. And You speak directly to those chosen to rule, govern and legislate for Your people.

Everything begins with a love of justice. If each day, each undertaking, each Member, each committee meeting and each debate would be focused on a true pervasive love of justice, neither time nor money would be wasted. Energy would run high and Your people would be animated with a transforming spirit that would shape this Nation and change the world.

Help Congress, Lord, to set all else aside as secondary and first, love justice, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCHENRY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCHENRY 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4311. An act to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to ten 1-minutes on each side.

LONE STAR VOICE: ALEXANDRA GARY

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

Mr. POE. Mr. Speaker, this week, the first National Guard troops hit our Nation's border. They are not carrying the same guns and ammunition as the Mexican military on the other side, but they are driving bulldozers and road equipment. They are starting a project that people all across the country support, fortifying our border, helping to prevent the invasion of the drug smugglers and human traffickers that blatantly infiltrate our Nation.

Americans want to see our Nation strengthened. Mr. Speaker, Alexandra Gary from Riverwood Middle School in Kingwood, Texas, writes to me, ''I think we should stop trying to help people from Mexico come into America illegally. I think we should have a stronger border control. It is unfair to let so many people come to America illegally. It is almost like they are stealing. They sneak into our country and escape from paying taxes. They take people's jobs. The few people that we catch and return to Mexico just keep coming back. If we strengthen our borders, then no more can come in. All America needs is ideas and justice.''

Mr. Speaker, those simple but strong ideas of justice come from a 12-year-old, someone who has more stake in the future of our nation than anyone on the floor right now. And as a legal citizen, no matter her age, she, unlike illegals, has the right to speak her mind. Alexander understands we are being invaded. Now it is our government's turn to understand this simple but wise truth. And that's just the way it is.

CRITICIZING THE HATE-FILLED WORDS OF ANN COULTER

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

Mr. EMANUEL. Mr. Speaker, as United States citizens, we are blessed with many freedoms. Among those is the right to freely speak our minds. While freedom of speech is one of the things that makes our country great, it also means we have to endure the words of a hatemonger like Ann Coulter.

In her new book, the goddess of the right slanders the 9/11 widows, writing, ''These broads are millionaires, lionized on TV and in articles about them, reveling in their status as celebrities and stalked by grief-arazzies. I have never seen people enjoying their husbands' death so much.''

Lest Ms. Coulter forget, more than 3,000 Americans were killed simply because they lived in the United States. That doesn't matter to Ms. Coulter, because she is doing it to enrich herself.

But there is something more sinister in Ms. Coulter's words. The hate she spews is the same kind of hatred we are battling in the war on terror. As a country of thought and reason, I urge all of us to reject it.

I must ask my colleagues on the other side of the aisle, does Ann

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Coulter speak for you when she suggests poisoning Supreme Court Justices or slanders the 9/11 widows? If not, speak now. Your silence allows her to be your spokesman.

She should apologize to all of us who have lost our fellow citizens on 9/11.

U.S. AIRSTRIKE KILLS LEADING ENEMY OF FREEDOM IN IRAQ

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

Mr. PENCE. Mr. Speaker, I rejoice in the death of no man, but today I will make an exception. As America and the world just learned, the al Qaeda leader in Iraq, Abu Musab al-Zarqawi is dead. The President of the United States said it was an opportunity to turn the tide and that the ideology of terror had lost one of its most visible and aggressive leaders, and it has.

But this was not simply a tactically significant strike by U.S. and Iraqi forces. Somebody dropped a dime. It is also evidence, as U.S. General George Casey in Iraq said earlier today, of increased cooperation.

I commend U.S. and Iraqi forces for this extraordinary accomplishment. The leading enemy of freedom in Iraq is dead. Abu Musab al-Zarqawi is gone. Let freedom reign in Iraq.

MAKE MEMBER VOTING RECORDS AVAILABLE TO CONSTITUENTS

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

Ms. BEAN. Mr. Speaker, last month this Chamber passed without my support the Lobbying Accountability and Transparency Act. Unfortunately, this body failed to truly bring sunshine to its decision-making process to the American people.

Mr. Speaker, democracy works best when the American electorate is engaged and informed. If we want to truly regain the public's trust, we can provide greater accountability and transparency with a simple step. Let's start by communicating to our constituents about the votes we take.

Too many people feel left out of the process and find it difficult to locate and understand the votes cast by their representatives. That is why I encourage my colleagues to cosponsor H. Res. 797, which I introduced with my colleague CHRIS SHAYS.

This resolution would require each Member of this Chamber to provide a clear link from their publicly-funded official Web site to a new voting record database organized by Member name maintained by the House clerk. This nonpartisan database would give each American the opportunity with the click of a button to view a comprehensive list of every rollcall vote cast by their representative and see a description of each vote.

We are supposed be the most representative body of government. With this in mind, we should make it easy for citizens to be informed. Please cosponsor H. Res. 797.

WORLD A SAFER PLACE WITH THE DEATH OF AL-ZARQAWI

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

Mr. KELLER. Mr. Speaker, the killing of al-Zarqawi is the most important victory in Iraq since capturing Saddam Hussein. Al-Zarqawi was the Osama bin Laden of Iraq. He was al Qaeda's leader in Iraq. He personally beheaded American hostages on national TV. He bombed U.N. headquarters in Iraq and hotels Jordan.

I was with President Bush yesterday at the White House at the very moment he got the message that al-Zarqawi was killed. At exactly 3:57 p.m., National Security Advisor Steven Hadley told President Bush and also handed a note to Vice President CHENEY and Condi Rice that he had been killed. President Bush looked at the note, smiled and winked at Condi Rice. I knew something big had just happened.

I have just returned from Iraq, where I personally met with the people who tracked down al-Zarqawi. I met with General Stan McChrystal and his Special Operations team at their command center. All over the walls of the command center were posters of al-Zarqawi. They told us they were close to getting him and they would get him.

Well, they did get al-Zarqawi, and today the world is a safer place. Thank God for our troops.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Guests in the gallery should refrain from applauding.

AL-ZARQAWI'S DEATH A MAJOR MILESTONE IN WAR ON TERROR

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

Ms. FOXX. Mr. Speaker, we are making great strides in the war on terror with every new day. Just last night, Abu Musab al-Zarqawi, the mastermind behind countless brutal acts of terror, was killed in an air strike. Al-Zarqawi was directly responsible for thousands of bombings, assassinations, kidnappings and other acts of terror in Iraq and around the globe. Thanks to the hard work and perseverance of our United States military forces, he will no longer be able to kill.

This is a major victory in the war on terror and a major step setback to al Qaeda, as al-Zarqawi was one of its strongest leaders. Yet as President Bush said, we cannot expect the terrorists to give up just because one of their most visible leaders is gone. We must continue to prosecute this war on terror until our mission is accomplished and until Iraq can defend and govern itself.

Mr. Speaker, I cannot begin to express how proud I am of our troops for their service, selfless attitude and sacrifice. They are making great strides. They are freeing people from oppression so they may enjoy the same freedoms Americans cherish. They are fighting a global war on terror, and they are winning.

I commend our military forces for reaching this great milestone and encourage them to keep up the great work.

FREEDOM IS ON THE MARCH IN IRAQ

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

Mr. KENNEDY of Minnesota. Mr. Speaker, last night, the murderous mission of one of the most brutal terrorist minds in Iraq, al-Zarqawi, al Qaeda's master of death and destruction to Sunni, Shiite, Kurd and coalition forces alike, has been brought to an end. The death of Zarqawi, al Qaeda's commander-in-chief of the insurgency, is proof to the people of Iraq, the United States and the world as a whole that freedom is on the march. His death in a U.S. military air strike represents another milestone in the war on terror.

We owe a debt of gratitude to our men and women in uniform who put themselves in harm's way to protect our freedom and to bring terrorists like al-Zarqawi to justice.

I call upon my colleagues to reaffirm our commitment to the important work our troops in Iraq are doing to make the world a safer place for people of all nations.

WASHINGTON REPUBLICANS PLAY POLITICS RATHER THAN OFFER REAL SOLUTIONS

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

Ms. WATSON. Mr. Speaker, we need to declare victory with the Zarqawi killing, and this is a time to also declare that the Iraqi government has completed the formation of its cabinet and we can start withdrawing our troops.

Now, all Americans are disgusted by what they see in Washington and they are looking for real leadership on the important issues of the day. First we could announce there are victories and we can start withdrawing our troops.

But, unfortunately, Washington Republicans prefer to waste time on partisan politics, instead of focusing on

priorities such as affordable health care, energy costs, the economy, the rising cost of staying in Iraq and the deficit.

This week, the Senate spent 3 days debating a gay marriage amendment that everyone knew was going nowhere. In order to pass out of the Senate, the amendment needed 67 votes, and they couldn't even get a majority. The issue should be dead for the year, but now we hear the House leadership plans to bring it up later this summer.

Mr. Speaker, let us give ourselves credit for what we have done in Iraq and let us focus on these issues and let us start withdrawing our troops.

AN IMPORTANT DAY IN THE GLOBAL WAR ON TERROR

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

Mr. PITTS. Mr. Speaker, today is an important day in the global war on terror. One of al Qaeda's most evil and ruthless terrorists, al-Zarqawi, has been eliminated, along with seven of his top aides. Justice has prevailed.

As the leader of al Qaeda in Iraq, Zarqawi was the mastermind behind the brutal murder of countless innocent Iraqis, car bombings, assassinations, kidnappings and attacks on our troops. It was Zarqawi who appeared on Internet videos personally beheading innocent civilians for the whole world to see.

News like this shows that we are making steady progress in Iraq. The death of al-Zarqawi strengthens the new Iraqi government and Prime Minister al-Maliki and sends a clear message to the terrorists of the world. The courage and dedication of the U.S. and Iraqi and coalition security forces remind the world that the forces of freedom and liberty will ultimately prevail over the forces of murder and terror.

□ 1015

DEATH OF AL-ZARQAWI

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, thanks to the precise and swift action of the United States military forces, al-Zarqawi's reign of terror has ended.

Osama bin Laden and terrorists worldwide should note that there is no safe place for them to hide. Terrorists in Iraq should also note that the events of the last 24 hours are further proof that the Iraqi people want to live free from fear.

Last year we saw the Iraqi people send a strong message to the terrorists at the ballot box. Last month we witnessed the formation of a new unity government, and today Prime Minister Maliki announced the completion of his cabinet.

The American people understand the road to a democratic way of life is not an easy one. Just as our Nation struggled in the beginning, Iraq has difficult and challenging days ahead. But I am confident that with continued support of the coalition forces, Iraq will figure out the best way to govern themselves in freedom.

The Iraqi people, as well as our enemies, should know we will stay the course because the security of our Nation depends on the willingness to take action to protect and preserve freedom.

JUSTICE IN IRAQ

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

Mr. WILSON of South Carolina. Mr. Speaker, last night the brave men and women of the United States Armed Forces, with Iraqi security forces, delivered a major victory in the global war on terrorism.

Because of their tremendous patience, courage and skill, the most wanted terrorist in Iraq is now dead. And as President Bush has said, there is justice in Iraq.

As the operational commander of the terrorist movement in Iraq, al-Zarqawi delighted in the devastation of Iraq and the destruction of life. As the mastermind behind countless car bombings, mass murders and assassinations, he was responsible for the brutal deaths of many Americans and thousands of innocent Iraqis.

Today's victory in Iraq is a testament to the tremendous talent of the United States military. By risking their lives to kill terrorists in Iraq, these brave men and women are protecting the lives of American families and making our country safer.

As we celebrate this incredible milestone, I rise to express my sincere gratitude to our brave troops and our Iraqi allies.

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

VA DATA SECURITY

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

Mr. SALAZAR. Mr. Speaker, last week the VA revealed that private information for over 26 million veterans was stolen from an employee's home weeks ago, putting their identities and credit at risk.

Mr. Speaker, my father used to have a saying that the more that you poke at a cow pie, the more that it stinks. Well, for nearly 2 weeks the administration insisted that the stolen data only contained the veterans' names, birth dates and Social Security numbers.

On Tuesday, though, the administration revised their story again. So what is the real story? We know that the stolen data contained personal information of more than 2.2 million active duty personnel. Yesterday over 145 Members joined me in a letter to President Bush urging him to take action and help those affected to recover from this security breach.

We have introduced legislation, H.R. 5455, that would be the first step in giving veterans access to 1 year of free credit monitoring. I urge my colleagues to cosponsor this bill.

Mr. Speaker, this last month has been an embarrassing display of the VA consistently failing to provide timely information about the severity and scope of the data. The delays and misinformation have hurt veterans and military personnel. It has hurt them at a time when we should be taking aggressive steps to protect their identities and financial standing.

Our veterans and our troops deserve answers and action right now.

AL-ZARQAWI DOWN, FREEDOM UP

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

Mr. MCHENRY. Mr. Speaker, sometimes a person's mere existence causes death and destruction in this world. Abu Musab al-Zarqawi, al Qaeda's leader in Iraq who has led a bloody, bloody campaign of suicide bombings and kidnappings, was killed yesterday by our U.S. forces in an air raid north of Baghdad.

The death of this terrorist breathes new life into our efforts to implement democracy in a region desperate for freedom and hungry for peace.

Mr. Speaker, the Iraqi Parliament, as well, made a major breakthrough today by appointing officials to lead the country's top security ministries, giving Iraq a complete government for the first time since their elections in December of 2005.

Victory in Iraq is not only possible, Mr. Speaker, it is approaching. I want to tell my colleagues on the other side of the aisle, our troops are putting their lives on the line every day and making the sacrifices necessary to ensure safety, security, and a democratic Iraq, which will provide a model for a free and representative government in the Middle East.

Mr. Speaker, peace is a product of strength and democracy. We are showing strength by eliminating the terrorists and implementing democracy which will help root out Islamic extremists in the Middle East.

DEMOCRATS ARE FOCUSED ON THE AMERICAN PEOPLE'S PRIORITIES

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

Mr. NADLER. Mr. Speaker, while House Republicans plan to use the next couple of months trying to distract the attention of the American people away

from their failures, House Democrats are focused on the American people's priorities.

While Washington Republicans have allowed our dependence on foreign oil to increase over the last 5 years, House Democrats are committed to achieving energy independence in the next 10 years. We would do this by doubling the percentage of renewable fuels sold in America in 6 years, increasing the percentage of flex-fuel vehicles that run on ethanol or gasoline, and investing in biofuel research.

While Republicans attempt to run from their fiscal record of turning a $5.6 trillion surplus into a $4 trillion deficit, Democrats continue to propose fiscally sound budgets that incorporate the pay-as-you-go policies that led to the record surpluses of the 1990s.

The Democratic budget for the upcoming year would have balanced the budget by 2012, something the Republicans neglect to do in theirs. Democrats have solutions to the problems Republicans ignore.

If House Republicans were really interested in solving our Nation's problems, they would stop the attempts to distract and would instead offer some new ideas.

VA DATA SECURITY BREACH

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

Mr. STEARNS. Mr. Speaker, I am deeply concerned that nearly 27 million veterans could be affected by a data security breach of record proportions that could compromise sensitive personal information, and every day we learn more.

Tuesday we learned that names, dates of birth and Social Security numbers for as many as 1.1 million active duty U.S. military personnel, 430,000 National Guard members, 645,000 Reserve members, may also have been included.

This elevates the concern for personal financial security of some veterans to national security for all. This data could be used to identify where servicemembers live, demographics that a lot of our enemies would like to know.

Unfortunately, data breaches like this highlight the need for legislation I have authored, H.R. 4127, the Data Accountability and Trust Act. This bill, which the Energy and Commerce Committee has passed by a huge bipartisan vote, goes to the heart of this problem of the critical need to protect consumers' personal information.

Mr. Speaker, let's pass H.R. 4127 as soon as possible.

GOOD WORK OF OUR TROOPS IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, having just returned from Iraq, I can appreciate the great celebration for the outstanding work of the special forces in the bringing down of an enormous terrorist, Zarqawi. That is an important step.

Most Americans will celebrate. And meeting personally the special forces both in Iraq and Afghanistan, it is a day for commendation and respect. It is important, however, that we begin as well a detailed outlook and plan for having our soldiers be able to claim the victory that they should claim and begin, as soon as practicable, their return home.

It is also important for the sovereign nation of Iraq to build up the Iraqi National Army, which our forces are training in an outstanding manner, and their police. It will only be when the Iraqi people believe that their own police and army can secure them that we will have the opportunity for that sovereign government to stand, and we must move as quickly and expeditiously as possible for them to understand that is their first priority.

The real war is the war between Sunnis and Shiias. That is a civil war, and the Government of Iraq must solve that problem.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 5522, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 851 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 851

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the number ''5'' on page 60, line 4; section 526; beginning with ''Of'' on page 86, line 1 through ''That'' on line 16; section 538; beginning with the semicolon in section 565(a)(2) through ''501)'' in section 565(a)(3); and sections 570 and 579. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking member of the Committee on Appropriations. The rule also provides one motion to recommit with or without instructions.

I would like to take this opportunity to reiterate that we bring this legislation to the floor under an open rule. Historically, appropriations legislation has come to the House governed by an open rule, and we continue to do so, in order to allow each Member of this House the opportunity to submit amendments for consideration as long as they comply with the rules of the House.

Mr. Speaker, the legislation before us today appropriates over $21 billion, an increase of $600 million over last year, for operations across the globe. The bill is fiscally sound while at the same time compassionate and globally responsive to needs of those plagued by disease, famine, and disaster.

H.R. 5522, the legislation that we bring to the floor today, bolsters the President's Millennium Challenge Corporation to $2 billion, nearly a quarter of a billion dollars more than in fiscal year 2006. This expansion of assistance is meant to encourage transparency in government and to fight corruption in some of the world's poorest nations.

The Millennium Challenge, which President Bush called a new compact for global development, provides assistance through a competitive selection process to developing nations that are pursuing political and economic reforms in three areas: Ruling justly, investing in people, and fostering economic freedom. Contributions from the Millennium Challenge Corporation are linked to greater responsibility from developing nations.

The new responsibilities these developing nations accept and exchange for funds ensue that the monies we provide do not go to waste and will have the greatest possible impact on those who need help the most.

Three years ago in his State of the Union address, President Bush announced for President's Emergency Plan for AIDS Relief, the largest international health initiative in history initiated by a single government to address one disease. This bill demonstrates Congress's continued support of the fight against HIV/AIDS as it includes over $3.4 billion to continue the fight against HIV/AIDS. It is an increase of over $750 million. I congratulate the committee on the sizeable increase for this program. It demonstrates our resolve, our determination to help all those across the globe who fight this disease.

In other foreign assistance, H.R. 5522 funds the Andean Counter Drug Initiative at the President's request $721 million. Economic growth in the area since the start of Plan Colombia is proof that the assistance we have provided Colombia has made a difference in that country. President Uribe has made great strides to combat narcoterrorism in Colombia. Under his leadership, Colombia is now neutralizing guerilla forces and prosecuting those who are implicated in serious crimes.

However, we must not take progress in the Andean region for granted. If the United States turns its back on the region, a scenario could ensue that would require greater U.S. investment at a time when we have significant responsibilities worldwide.

The underlying legislation, Mr. Speaker, also provides about $2.5 billion for military and economic assistance to Israel. We must and we will continue to ensure that our friends and allies remain secure. A strong Israel is necessary to the United States national interests and to stability in the Middle East. We are committed to doing everything we can so that Israel is safe and secure within her border, especially as the terrorist group now in the government in the Palestinian Authority and also the Iranian dictatorship continue to threaten to wipe Israel off the face of the map, something that will not happen and we would never permit.

The particular concern to my district is funding for the Republic of Haiti. That country has undergone a tumultuous few years of political instability as well as being hit by a natural disaster. The bill fully funds the President's request of $164 million in funding for Haiti.

Over the last two decades, an estimated 2 million people in Sudan have died due to war-related causes and famine, and millions have been displaced from their homes. This bill fully funds the President's request of $450 million, with $137 million devoted to Darfur. Assistance is conditional; it will only be given to the coalition government if that assistance is in direct support of the comprehensive peace agreement or the Darfur peace agreement.

Mr. Speaker, H.R. 5522 was introduced and worked on in a very detailed and serious way by Chairman KOLBE and reported out of the Appropriations Committee on May 26 by a voice vote. It is a good piece of legislation, important to our continued commitment to the security and safety of all citizens and residents of the United States, and we bring it forth under an open and fair rule.

I would like to take this opportunity to thank Chairman LEWIS and Chairman KOLBE and Ranking Member LOWEY for their leadership on this important issue. I would like to point out that this is Chairman KOLBE's final appropriations bill as chairman of the Foreign Operations Subcommittee. It has been truly a pleasure to work with Chairman KOLBE on the Foreign Operations appropriations bill and on many other important legislative projects throughout his distinguished career in this House. I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend and colleague from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, as many in this body know, Representative DIAZ-BALART and I are privileged to represent perhaps the most international region of our country in South Florida. It is therefore only fitting that the two of us be here today to manage this rule on the foreign operations appropriations bill. I look forward to a fruitful discussion with the gentleman on many important issues facing our Nation abroad.

Mr. Speaker, I rise today with great concern about the foreign operations appropriations bill for fiscal year 2007. While the other 10 appropriations bills fund our domestic priorities, the foreign operations bill outlines and fulfills our commitments abroad. It serves as Congress's most significant diplomatic statement each year. I just hope that the international community isn't listening this time around.

The underlying legislation not only shortchanges funding for some of our country's most critical foreign programs by almost $2.4 billion, but it sends a clear message to our allies and enemies alike that the United States Congress is not seriously fulfilling America's commitment to the global community. I am certainly pleased that the bill has increased funding for development assistance, critically important child survival nonHIV/AIDS programs. It has increased funding for basic education programs and HIV/AIDS funding.

Nevertheless, I remain concerned that we are not doing enough in other areas. The dramatic underfunding of critical programs throughout the underlying bill calls into question the House's commitment to refugee assistance, debt relief, democracy in eastern Europe and the former Soviet Union, the global environmental facility, and foreign aid in general.

Let me drop a footnote there. The chair and the ranking member have done the best that they could with what they have, but it is the overall parameters and all of our responsibility here in the House that fails. Perhaps most troubling, these cuts dramatically hinder the President's ability to conduct the business of this country abroad. As our colleagues come to the floor today to discuss, debate, and consider the underlying legislation, I sincerely hope that they will look at the statement this bill is sending to the international community and reconsider some of these dramatic cuts.

Mr. Speaker, for the last 2 years, I have had the great honor and privilege to serve as the president of the Organization for Security and Cooperation in Europe's parliamentary assembly. In this capacity I have traveled to 29 countries in Europe, the former Soviet Union, and Central Asia; I have met with heads of state, foreign ministers, ambassadors, colleagues of foreign parliaments, our ambassadors, and interest groups throughout the OSCE region.

If I have learned anything during this time, it is that the principles of freedom and democracy in many places in this world are still struggling to break free from the bondages of oppression and tyranny. Today is a day when American leadership in the world is desperately needed.

In the former Soviet Union, many states are struggling desperately to establish solid democratic foundations. How is Congress helping them? By cutting economic aid to eastern Europe and the former Soviet Union countries by a total of $202 million from last year's level. At a time when African nations are being forced to allocate well over 50 percent of their annual budgets to repay debt to western countries, how is Congress helping? By cutting debt relief funding by more than $44 million to a level that is more than $160 million less than President Bush's request.

Throughout the world, the number of refugees fleeing across borders to escape persecution and poverty is increasing, yet the House is now poised to reduce the United States' commitment to international refugee assistance by almost $33 million, $82 million less than President Bush's request. In Sudan and Congo, innocent people are dying for no reason other than the color of their skin or the religion that they practice, but our financial commitment to them continues to fall short.

How about the Millennium Challenge Account? As my colleagues will recall, Congress established the account in

January 2004, and through fiscal year 2006 has underfunded the account by $2.6 billion. The underlying legislation, as has been the case in the past, again shortchanges the Millennium Challenge Account by $1 billion. And don't even get me started on the bill's rescinding of $188 million in already appropriated dollars to the World Bank. No wonder so many in the world have really stopped looking at us as a place of hope and compassion and reliability.

□ 1045

As the lone superpower in the world, Mr. Speaker, we must not allow ourselves to become encapsulated in the philosophy of leadership by force. Our military must not only be the strongest in the world, and they are, and today I compliment the special forces for their extraordinary efforts in bringing to ultimate justice a person that was an ultimate terrorist, but so must our diplomacy be strong and the best in the world. America's willingness and sincere interest to utilize the voices of reason and persuasion over the barrel of a gun must be guided by sound principle in its foreign policy.

The underlying legislation, not the defense appropriations bill as some in this body may want you to believe, in my judgment, is the greatest tool that Congress has in its box to show the world true American strength. Whether or not we choose to maximize this tool is, frankly, up to us. I fear, however, that the underlying legislation comes up dramatically short of what needs to be done.

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

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

I also take this opportunity, I think it is very appropriate and just to do so as we discuss legislation that furthers the U.S. national interests in our foreign policy, to commend our forces in Iraq who have managed that great victory of the elimination of the leader of the al Qaeda terrorist network there, who had caused so much pain and suffering, not only to our forces, but to the people of Iraq.

The action of the American Armed Forces is to be commended, as well as admired, and freedom-loving people throughout the world, I know, are joining us today in congratulating the U.S. Armed Forces for the great success in the elimination of the terrorist head in Iraq.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. KOLBE), the prime author of the legislation that we are bringing forth today.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Florida for yielding this time, and I also want to thank him for the very kind remarks that he made a few moments ago.

As he pointed out, this will be the last regular, foreign ops appropriation bill that will be brought to the floor under my tutelage as chairman of that subcommittee. It has been a great privilege and a pleasure for the last 6 years to bring this bill to the floor. It has also been a great pleasure to work with the gentleman from Florida, who has the responsibility for foreign affairs issues in the Rules Committee.

Mr. Speaker, I do rise in support of the rule. I will be very brief because I will make most of my remarks during the debate, when we get to general debate on the bill itself, but I do rise in support of the rule for consideration of H.R. 5522, which is the fiscal year 2007 appropriations bill for foreign operations, export financing and related programs.

As has been pointed out, the total in this bill is $21.3 billion. That is $597 million over the amount provided in fiscal year 2006, not counting supplementals; but it is fully $2.4 billion below the President's request. This means that there is $2.4 billion elsewhere in the budget for critical needs. The gentleman from Florida on the other side also spoke about some of those. Whether we are talking about veterans care or education or health programs, it is $2.4 billion that is freed up by the fact that our allocation has been reduced, and yet our allocation is still more than 5 percent over the amount that we had last year, and I think it is a fair amount.

We are once again faced with difficult choices in developing this recommendation because we are significantly below the President's request. The President's budget request had significant increases for the Millennium Challenge Corporation, for HIV/AIDS, and reconstruction and stabilization efforts in both Iraq and Afghanistan. While no one got everything they wanted, the recommendation I think strikes a difficult balance among the competing priorities, and at the same time fiscally responsible.

Our priority has been to increase funding for the war on terror. We have also increased the Millennium Challenge Corporation by about $245 million, enough of an increase to make clear our commitment to the Millennium Challenge Corporation. We believe the MCC is working. We believe they are doing the right thing, and we are going to continue on a path towards increasing it as a vehicle for delivering foreign assistance around the world. We have also increased international health spending, and those are the three priorities which lie at the core of U.S. interests abroad.

Mr. Speaker, H.R. 5522 is a package of foreign assistance which has been formed by experience. It funds programs that are accountable and transparent; and most importantly, it helps to secure and protect the United States abroad. It was developed in a bipartisan manner, and I believe that it should have wide support on the floor of the House.

This is a fairly standard rule. It is an open rule, allowing for amendments; and we have a number of amendments which will be discussed here later today. I expect a thorough and complete debate on a number of areas of U.S. foreign policy, and I believe that this will be the House of Representatives at its finest hour.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to my very good friend from New York, I would like to compliment my very good friend who just spoke, Mr. KOLBE, the chairperson of this particular committee, and compliment him for the 6 years of very active work on behalf of this country. I know for a fact that he did all that he could with what he had; and you are to be thanked, Jim, for your great service, and you will be missed sorely by all of us.

However, I can honestly say I will not miss going on CODELs with you because of your indefatigable energy when we are on CODEL; and if we had the time, we could share some stories in that regard.

Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the ranking member of the foreign operations subcommittee.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this rule, and I thank the Rules Committee for granting a fair, open rule for the consideration of the foreign operations bill.

While I am disappointed that this rule leaves several commonsense provisions in the bill vulnerable to points of order, I am grateful that the Rules Committee has protected section 587 of the bill. This provision will enhance the focus of U.S. foreign assistance programs on supporting women's access to economic opportunity and will help women take full advantage of the possibilities of the global economy.

I am particularly appreciative to Congresswoman ROS-LEHTINEN, Chairman HYDE and, of course, Chairman KOLBE for enabling this language to be maintained; and I look forward to several robust debates today on a number of issues affecting U.S. foreign policy and U.S. foreign assistance.

Of course, I am appreciative of our chairman, and I will thank him appropriately again. I think we have expressed our appreciation and devotion and respect probably at least a half a dozen times, but you deserve it every time, Mr. Chairman.

So I want to again thank the Rules Committee for allowing these debates to proceed by granting an open rule.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and congratulate him on his management of this very important piece of legislation.

Let me begin by joining and extending congratulations to our friend from Tucson, Mr. KOLBE, for the superb leadership that he has provided on this measure. I am looking at him at this moment, Mr. Speaker, and he is sitting with the distinguished minority ranking member, Mrs. LOWEY.

In the Rules Committee yesterday when we were dealing with this issue, everyone was praising the fact that this measure is moving ahead with strong bipartisan support. I think the leadership that JIM KOLBE has provided on this demonstrates his commitment to good public policy and addressing it in a bipartisan way, and I want to extend my hearty congratulations to him.

I want to say this measure is very important. We, of course, all have gotten the news this morning of the killing of Abu Musab al-Zarqawi, that charismatic al Qaeda leader who has been responsible for some of the most heinous acts and, of course the very, very sad killings and beheadings of a number of people who come to mind; and as the Secretary of Defense said earlier this morning, this man probably has more blood on his hands than any other human being when it comes to terrorist acts in the past few years. So we, I believe, are in the midst of understanding that the leadership that the United States of America is providing through our foreign assistance package is one which is playing a role in helping us win the global war on terror.

We obviously are faced today with the potential for great tragedy and retaliation because of the killing of al-Zarqawi, but we also have to recognize that when the members of the Iraqi media lurched to their feet and applauded, celebrating the killing of Abu Musab al-Zarqawi, this is a great day for the people of Iraq who do want freedom and liberation and an opportunity to proceed with self-determination.

Mr. Speaker, that has come about in large part due to the leadership that JIM KOLBE and Mrs. LOWEY and others have provided in this package that we are going to be voting on today. It is an important one, and I know that it is often criticized by many as simply taking U.S. taxpayer dollars and sending them to other parts of the world and, frankly, much of this is expended right here in the United States to help us deal with the development of political pluralism, the establishment of democratic institutions, and very important societal needs that exist in a number of countries in the world.

One of the things that I mentioned in the Rules Committee last night, Mr. Speaker, was the fact that Mr. KOLBE serves as a very important member of the House Democracy Assistance Commission and you, Mr. Speaker, are a very important member of that commission as well, and it was one that I was pleased that a little over a year ago Speaker HASTERT and Minority Leader PELOSI came together and established this bipartisan commission that is designed to look at a number of countries that are really beginning to take steps towards democracy that have recently held elections and elected parliaments.

We have created a chance for direct parliament-to-parliament consultation, working member to member, with members of these new parliaments, working with staffs, working with officers of these parliaments to make sure that we help them move into establishing the very important things that are in our Constitution and we have a tendency to take for granted.

But many in this world are moving towards that, being the responsibility of oversight from the legislative branch to the executive branch, making sure that they deal with constituent service and a wide range of these other things that we in the United States House of Representatives engage in, and I believe that the existence of this commission, which I am very privileged to work with our colleague DAVID PRICE from North Carolina who serves as the ranking minority member on, is important and much of the funding for that is coming through this appropriation bill that has been put together.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I would just like to ask a question. It is my belief that compared to gross domestic product that America spends less than 1 percent on the foreign relations and this particular matter. Do you feel, as I do, that we are pretty stingy compared to other countries when it comes to that measure? Everything you said is true, and all of those things are wonderful; but I still think that we are pretty stingy in this arena.

□ 1100

Mr. DREIER. If I can reclaim my time, Mr. Speaker, I would say to my very good friend from Fort Lauderdale, who serves so ably on the Rules Committee, that I don't believe that we are stingy at all. I think the American people are very, very generous.

I know my friend has been involved in providing leadership in a wide range of areas internationally, and he has had a commitment to dealing with many of these issues. I think that the United States of America has demonstrated its generosity, not only through its foreign assistance package, but also through the eleemosynary activities of so many Americans who are voluntarily involved. I think of the wealthiest person in the world, Bill Gates, who has stepped forward to deal with the AIDS in Africa crisis. He voluntarily has done many, many things to help deal with this issue.

So I would say a resounding no, we are not stingy when it comes to this issue. We are, I believe, very cost effectively, Mr. Speaker, dealing with the important needs that are out there. And my friend raised the issue of the percentage of the gross domestic product what is being done, and of course, what is brought to mind for me is another issue, and that is, in fact, that we have seen a great reduction in our Federal deficit as a percentage of the gross domestic product. It is now below 2.6 percent of the GDP.

And I think that our growing economy will again put dollars in the pockets of Americans so that they will be able to voluntarily deal with many of these needs that exist in other parts of the world.

So I thank my friend for his question, and I thank again the distinguished vice chairman of the Committee on Rules for his leadership on this and a wide range of other foreign policy initiatives, and again congratulate my friend, the distinguished chairman of the Subcommittee on Foreign Operations for his fine work.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the chairman for his response. Bill Gates and others in their eleemosynary undertakings do not have the responsibility that we do here in this body to undertake appropriate foreign undertakings.

That said, I would at this time yield 3 minutes to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this. I rise in support of the open rule. I join my colleagues in praising the leadership of Mr. KOLBE, with whom I have had an opportunity to learn a great deal from his tutelage as Chair and his commitment to foreign affairs, and to watch Mrs. LOWEY and Mr. KOLBE make the most out of the difficult budget hand they have been dealt.

This is, in fact, a great investment of American tax dollars. It is not just the right thing to do morally, but it does make markets for U.S. goods, it helps developing partners around the world in commerce, and it is much cheaper than the military option. Think of what could have been accomplished with the trillion dollars we will have spent in Iraq.

It is time for us, however, I think, for us to consider some adjustments in philosophy and direction. I know there is going to be some proposals later in amendments that would deal with issues regarding Egypt, where we have given some $25 billion since 1979, and, sadly, the repressive tactics against journalists, against people who would exercise their Democratic rights is a sad commentary. And I do not think that we need to be held hostage for putting vast amounts of military assistance into Egypt at a time when they are not responding in ways that are consistent with what we are trying to do. I think sending some modest signals that we are not going to be held hostage is important.

Indeed, one-half of the top 25 recipients of United States' arms in the developing world are undemocratic, according to the United States State Department's own record. I think that is an unfortunate commentary. And I will be offering an amendment later in this debate, with my good friend, the gentleman from Iowa (Mr. LEACH), who chairs our Subcommittee on International Affairs on Asia, to divert $250 million from the military aid to put it in assistance that would make a difference for foreign countries around the world to deal with the fact that there are a billion people around the world who live on a dollar a day or less; that every 15 seconds, a child dies from waterborne disease. Indeed, one-half of the people who are sick today anywhere around the world are sick needlessly from waterborne disease.

This Chamber, last year, supported bipartisan legislation, the Water for the Poor Act, named after our colleague, Senator Paul Simon, that has the potential of being transformational for these people. But what we need to do is to invest money to make that the case. So I am going to strongly urge that my colleague look at this proposal, much to be commended, but to look at one specific adjustment, putting money away from arms to undemocratic areas where, frankly, it is not the highest priority, and, instead, invest 250 million additional dollars for this critical economic and development aid.

Remember, last year, in the total budget for the entire world dealing with this problem of waterborne disease, the entire budget was only $200 million, after we had worked and worked and worked. This budget currently only provides $50 million. We can do more, and I strongly urge consideration of the Leach-Blumenauer amendment.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 4 minutes to my good friend from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. I know that there will be a general debate, but I want to take this opportunity to acknowledge one of the best working teams that we have in the House, and that is the team of LOWEY and KOLBE on Foreign Ops. And I want to take this time on the rule to thank Mr. KOLBE for his spirited commitment to Africa and developing nations and his partnership with Mrs. LOWEY, who always finds a basis of resolve and, if you will, a solution. So we thank you, and I pay this tribute to Mr. KOLBE on what I believe will be his last Foreign Ops bill.

But I agree with Mr. HASTINGS in suggesting that foreign ops is our face to the world. And with his experience of traveling on behalf of this Nation, I am saddened by what the appropriators have had to do in this foreign ops bill, because we have turned our backs somewhat on the world.

We can applaud the special forces as our gun and the bringing down of Zarqawi, but really diplomacy and government and governance is going to win the war in Iraq. So it is important that we have investment in those kinds of issues.

Let me speak specifically to the question of Sudan. And although we realize that in addition to the Darfur issues, there are rebel issues, and rebels play a part in the conflict, it is the government of Sudan that needs the overcoming of its attitude of disingenuousness in not paying attention to finding ways to resolve the conflict. I would hope that an amendment, or at least language that I have that focuses on Chad, and realizes that the burden of refugees needs to have additional funding and focus so that the Sudanese situation can move forward, I hope we will have an opportunity to debate that amendment and also include that language but, more importantly, as we move to the Senate, have funding for Chad.

I hope we will also recognize that Afghanistan is really the war we can win. Finding now Osama bin Laden, but more importantly, investing into the regional reconstruction plan so that we can have more schools and hospitals and infrastructure for a country that has absolutely nothing, yet its people are inclined to move enthusiastically towards democracy. President Karzai represents stability, and we need to invest more in the reconstruction of Afghanistan.

Then I hope that we would have the opportunity to address the question of what we call codes of conduct in many of our Islamic countries who overlook the rape of women, gang rapes in fact, where the nations condone the rape to the extent that they allow the cultural mores to exist over the safety and security of women. We have seen this happen throughout the Islamic world, where there are gang rapes and no prosecution.

It is extremely important that we focus on these tragedies that are occurring, and they occur in countries that happen to be our allies. So I hope that language on that will be accepted to respond to the rape and pillage of women without any protection whatsoever.

I would also add to the Afghan funding is the necessity of protecting the parliamentarians. There is a democratically-elected government in Afghanistan with a large percentage of women parliamentarians who are fearful of going back to their districts. They need security, and that should be the face of the foreign appropriations as well. Meeting with them in Afghanistan just recently, they begged us to provide them with security, security, security.

So let me thank the appropriators for doing the best that you could do, but, unfortunately, it does not help the face of America to cut in such crucial areas as have already been mentioned. But in any event, I hope we will have the ability to improve on this in the Senate and as well to not turn our back on the ways that we can add to democratization and add to the security of the world.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank my good friend, Mr. HASTINGS, and all who have participated in this debate. We are very proud to bring forth this appropriation bill with an open rule. Very proud of the underlying legislation, with over $21 billion in assistance for countries throughout the world to help with disease and with poverty.

The American people are very generous, year after year after year, and I am very proud to be a Representative here in this House of that generous people.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 850 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 850

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5252) to promote the deployment of broadband networks and services. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for

amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1115

UNFUNDED MANDATE POINT OF ORDER

Ms. BALDWIN. Mr. Speaker, I make a point of order.

Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against consideration of the rule, H. Res. 850. Page 1, line 7, through page 2, line 1, states: ''All points of order against consideration of the bill are waived.''

The rule makes in order H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006, which contains a large unfunded mandate on State and local governments in violation of section 425 of the Budget Act. Section 426 of the Budget Act specifically states that the Committee on Rules may not waive section 425; and, therefore, this rule violates section 426.

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentlewoman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentlewoman from Wisconsin.

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

Mr. Speaker, in January of 1995 in the first few weeks after the Republicans took control of this House for the first time in 40 years, they passed a bill they proudly called the Unfunded Mandates Reform Act.

The goals of this bill, they argued at the time, were honesty and accountability. It would force the Congress to publicly acknowledge when it passed legislation that imposed large, unreimbursed uncompensated costs known as unfunded mandates on State and local governments.

As our former colleague and current director of the Office of Management and Budget, Rob Portman, said during the debate back in 1995, ''No significant unfunded mandate can now go through Congress without Members having to vote up or down in the public view.''

But here we are 11 years later and the tables have turned. My Republican colleagues are bringing to the floor a bill that imposes hundreds of millions of dollars of unfunded mandates on communities across this country whose local public, educational, and government accessible channels, known as PEG access channels, as well as institutional networks known as I-Nets, over which our police, fire and emergency communications often travel, will be gutted by the legislation we are considering today creating a national cable franchise system.

As provided under the rule, H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act, also known as the COPE Act, would limit available support for PEG access channels to a maximum of 1 percent of an operator's gross revenue, less than what many communities receive today. This legislation's one-size-fits-all approach fails to keep communities financially whole.

Local cable franchises are long-term contracts signed between a cable operator and a community, and some go as long as 15 years. Yet this bill allows cable operators to walk away from those signed and sealed contracts, causing the city to lose long-term revenue it expected to get under those contracts.

Many communities have made the decision in their local franchises to require more than 1 percent worth of PEG and I-Net support more than would be available under COPE. In those communities that make robust use of these resources, enactment of this bill may result in the loss of up to 67 percent of their budgets for these important and crucial services.

Indeed, according to the Congressional Budget Office's cost estimate for the bill, by prohibiting local franchising authorities from charging cable providers more than 1 percent of their gross revenues to provide PEG programming, enacting COPE would lead to a loss in State and local revenues estimated to be between $150 million and $450 million by 2011. Even with projected offsets from other provisions of the bill, the Congressional Budget Office estimates that the net cost of this mandate would likely fall between $100 million and $350 million per year by 2011.

Because of CBO's conclusion that the annual cost of this mandate over the next 5 years will exceed $64 million, which triggers the unfunded mandate law that Republicans so proudly backed in 1995, I am raising this point of order against the rule.

The fact is that the rule waives all points of order against this bill. The Budget Act specifically says that the Committee on Rules cannot waive points of order against unfunded mandates, yet the Republican leadership ignores this. So in the spirit of the debate in 1995, I am raising this point of order that will force us all in the public view to vote up or down this unfunded mandate.

During these really challenging economic times with very tight local and State budgets, how many States and localities can afford this? Local programming and police and fire communications traffic supported by I-Nets should not be allowed to be diminished through the passage of this bill. Yet because of this unfunded mandate, the city of Madison in my own congressional district will see losses in the tens of thousands of dollars per year, while larger franchises such as that in Montgomery County, Maryland, will suffer almost $2 million in losses.

Mr. Speaker, I will submit for the RECORD a chart compiled by the Alliance for Community Media detailing how 45 local franchising authorities in 13 States will lose huge percentages of their annual PEG funding under the COPE Act.

During the committee markup of H.R. 5252, and subsequently at the Committee on Rules, I offered an amendment that would have remedied this problem. In addition to the option of a PEG fee based on 1 percent of the cable operator's gross revenue, my amendment allowed the franchising authority to continue requiring cable operators with a national franchise to pay a fee equivalent to the value on a per subscriber, per month basis of all PEG support currently provided by an incumbent cable operator in a franchise area pursuant to that incumbent's existing franchise agreement.

This hold-harmless approach would have ensured the current level of PEG funding that was in no way diminished by the transition from local to national franchise systems.

Under my amendment, the new national cable franchisee will not pay a single cent more than what the current incumbent cable providers are already paying. More importantly, my amendment would have eliminated this unfunded mandate that will cost local communities hundreds of millions of dollars. Unfortunately, my amendment was not allowed to come to the floor for a vote under this restrictive rule.

Mr. Speaker, if this legislation passes, the diverse and vibrant offerings of public access channels on cable television will face enormous challenges.

I want to talk a little about the importance of PEG access channels as communities' resources. There are over 3,000 PEG access centers across the country today representing 3,000 channels, 250,000 organizations and 1.2 million volunteers.

According to a survey of the National Association of Telecommunications Officers and Advisors, 73 percent of communities with PEG capacity receive financial support from the cable operator under terms of the local franchise over and above the franchise fee. Whether it is in the form of an annual fee, a one-time grant, or use of a building or equipment, or a per subscriber fee, such resources are used to support the needs of local PEG communities in their production of local programming. These resources are used by schools for

distance education, by our locally elected officials to improve governmental services and enhance democratic discourse, and by our communities as the last source of free speech over the medium of television.

My congressional district in Wisconsin has one of the most diverse, enriching, and vibrant public access communities in the Nation. For over 30 years, Madison City Channel has helped connect Madison residents with their local government in much the same way C–SPAN allows our constituents to follow our actions here in Congress. Madison City Channel has provided that window into the workings of county and city governments, the levels of government that most directly impact the lives of our constituents on a daily basis.

In addition, the school district operates two channels that feature a variety of school board meetings and forums, as well as interviews with school board members and administrators and sporting events. The channel also features student music events, math and science fairs, and news programming.

PEG channels from the city of Whitewater in my district feature not just local election coverage, meetings of the city council and school board, but also programming produced by the local United Way, the Historical Society, and five local churches, among others.

Overall, the 80-plus PEG access channels in Wisconsin perform invaluable services on a daily basis commercial free, with the sole basis of informing and educating our citizens.

Diversity of programming and coverage are found in communities across the country. I want to note that in addition to coverage of government and educational affairs, different communities adopt various genres of programming to reflect their local interests. For example, religious programming represents 20 to 40 percent of programming in most public access centers, according to a survey of the National Association of Telecommunications Officers and Advisors. And ''Army Newswatch'' is the most-syndicated program on PEG channels, with carriage on over 300 PEG channels nationwide. I know that many Members of Congress host their own public access shows on PEG channels to reach out and connect with their constituents.

Preserving PEG funding is about preserving the local flavor and diversity of community voices. It is about transparency and accountability in our local government, and it is about strengthening the sense of shared neighborhoods and communities.

Mr. Speaker, the House can either choose to consider this rule in spite of COPE's unfunded mandate; or it can send this rule back to committee, make my amendment in order, and eliminate the unfunded mandate upon which this point of order is predicated.

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

Mr. Speaker, the question before us is not whether we should eliminate any mandates, but whether we should consider this bill at all.

The one thing that is clear is that we need national video competition. Prices will fall and consumers will benefit.

The opponents of this legislation would have you believe that the current locality-by-locality method of video franchise helps consumers. The track record is just the opposite. Consumers benefit when there are low barriers to entry for competition.

The distinguished proponent of this point of order wants to keep those barriers in place. If you vote against this question, you are voting not to proceed with consideration of the rule and of the bill. That means you are voting to deprive the American consumer of video competition, lower prices, and new services.

Americans who are demanding this competition for these services. We need to move forward with this bill and with this rule so that we can debate the best ways to deliver what our constituents are asking for. I encourage my colleagues to oppose this maneuver and vote ''yes'' on the question of consideration.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, next week the President of the United States is expected to sign in the Oval Office or the Rose Garden a bill that increases fines for utterances of an obscene nature over the public airwaves. That is Chairman UPTON's bill, and I am a sponsor and strong supporter of it.

□ 1130

If C–SPAN were over the public airways and not cable, I would probably be the first victim fined, the first violator of that bill because of my reaction, not to the gentlewoman's point of order, which is within the rules of the House, but because of the underlying premise that the Congressional Budget Office has propounded that there is an unfunded mandate in this bill. The thing that I can say that is printable is that is hogwash.

Now, we went down to the dictionary that is always here in the House of Representatives and looked up the word ''mandate.'' The number one definition, a command to act in a particular way on a public issue. That is the number one definition for mandate in that dictionary: a command to act in a particular way on a public issue.

Now, if the bill before us had told the cities that they had to provide cable service themselves to every citizen in their community and not compensated for it with Federal dollars, that would be a mandate.

If the bill had said that every Member of Congress in the House and the Senate had to be provided an office with a television studio by the cities, that would be a mandate; and it would be unfunded. It is not in this bill.

What is the Congressional Budget Office definition of an unfunded mandate? It is an Alice in Wonderland definition. It is a reverse definition. Here is what the bill actually does: it says every city that is currently collecting fees gets to continue to collect those fees, or it can negotiate a better deal if they want to. It says that every new entrant that wants to get the so-called national franchise, if they let the city know that they want to provide video services to that city, they have to pay that city up to 5 percent, plus an additional 1 percent for all of these PEG channels, public education and governmental channels, that the gentlewoman from Wisconsin was just talking about. It says these new entrants have to pay that.

There are studies out that says because of this provision that these new entrants are going to have to pay the cities additional revenue; that the cities, in total, may get up to 40 percent or more of additional revenues, more money not less money. That is not an unfunded mandate. That is what we in Texas call found money. Oh, here's another $150,000 for next year, or two million or whatever it is.

The bill before us allows the cities to charge an additional 1 percent. I didn't want to do that. I was opposed to that. But Mr. UPTON and some of my friends on the Democratic side that were negotiating on the bill thought that was a fair thing to do. And so it is in the bill. If there is one thing that I am sure of, it is that there is no unfunded mandate in this bill.

Now, I will tell you how energized I am about this. I am going to go out and draft me a CBO reform bill and I am going to introduce it and I am going to get the committee of jurisdiction, which I think is the Budget Committee, to try to hold a hearing on it or move it or do something about it. I am tired of a CBO that looks like an Alice in Wonderland operation.

If there really were an unfunded mandate in this bill, I would oppose it. But there is not. And so I strongly, I respect the rights of the minority to use every parliamentary procedure they have, and the CBO did issue a report that does say there is an unfunded mandate. That is a true statement. But what the CBO calls an unfunded mandate is absolute hogwash.

So I oppose this point of order, and hope that we will sustain the underlying rule and move forward on the base bill and have an honest debate on the merits of the bill later this afternoon and tomorrow.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I would just like to say, just to correct the

record, I was not a big supporter of this 6 percent from the beginning. And I can point the finger at others. I was not the instigator of this. However, it is part of the bill. And, in fact, a study was put out that, according to the Phoenix Center for Advanced Legal and Economic Public Policy Studies, indicates that competition and the rise in the number of cable providers will cause total cable industry revenues to go up such that the 5 percent franchise fee, along with the 1 percent increase for the PEG channels, will see revenues increase by as much as 30 percent.

Now, I might note, where does that 30 percent come from? It comes from us, the consumers. It is passed along. So the cities are going to actually increase revenue. They are going to still maintain the control of the right-of-way, as they should.

I don't know where the CBO came up with this study. I know that I am told that they conferred with our staff. They obviously didn't listen very well.

I look forward to cosponsoring the legislation along with Chairman BARTON. I think that this does need to be addressed.

CBO, I think, in addition, made another major mistake on the transition to digital bill that the President signed into law earlier this year when they calculated that the sale of the spectrum, the analog spectrum, would bring in only $10 billion when, in fact, we saw some private studies that it might be as much as $20 billion.

So, again, Mr. Speaker, I would ask my colleagues to support the Rules Committee and deny this motion.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I am glad we had this opportunity. I think it is appropriate for the minority to use the rights available to it. It is part of the democratic process, very proud of that, zealously need to defend that.

At the same time, it is important for the facts to come out, and Chairman BARTON has explained how this bill provides the cities with an option to get another percent, to charge a fee of another percent that they can't charge under current law. That sounds to me like more funds than less. And yet it is called an unfunded mandate.

Mr. Speaker, I yield the remainder of our time to Chairman BARTON.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1¼ minutes.

Mr. BARTON of Texas. Mr. Speaker, let me just recapitulate. Under current law, if you are a satellite provider, you don't have to pay any franchise fee, any at all. Now, if you are a landlocked cable provider, you do have to pay some of these fees. They can be up to 5 percent, and they can charge some in-kind contribution for these pay channels. That is current law.

Under the pending bill, if it were to become law, you get the existing franchise fees that are paid by the incumbent cable provider, plus the city can charge a 1 percent fee to the incumbent plus these new entrants are going to be automatically assessed up to 5 percent plus an additional 1 percent unless the city makes a different deal. Okay?

Cities are going to have more money, more revenue sources. And the independent studies that have already come out say that, in most cases, city and local revenues are expected to grow as much as 30 percent. And I think they may be even higher than that.

Ladies and gentlemen, that is not an unfunded mandate. That is not an unfunded mandate. So I strongly oppose this point of order and hope that we sustain the base rule and move forward to debate the underlying bill.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Speaker, parliamentary inquiry.

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

Mr. MARKEY. Mr. Speaker, under the rules, is it the Congressional Budget Office that determines whether or not an item is an unfunded mandate or not?

The SPEAKER pro tempore. Section 424 of the Congressional Budget Act does provide for estimates by the Congressional Budget Office of unfunded mandates.

Mr. MARKEY. And in this instance, has the CBO not determined that there is an unfunded mandate that could be upwards of 500 million to 1.5 billion on cities and towns over the next 5 years?

The SPEAKER pro tempore. The issue of the estimate may be addressed in debate. The point of order was made against the resolution for waiving any point of order under the Congressional Budget Act, as provided by section 426 of such Act.

Mr. MARKEY. Mr. Speaker, is there anything left with the Contract With America? Is that an appropriate parliamentary inquiry?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

All time having expired, pursuant to section 426(b)(3) of the Congressional Budget Act of 1974, the question is: Will the House now consider the resolution?

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 166, not voting 12, as follows:

[Roll No. 235]

YEAS—254

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

NAYS—166

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle

Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—12

Andrews
Bono
Davis (FL)
Evans
Gibbons
Hyde
Johnson (IL)
Manzullo
Nussle
Oberstar
Reyes
Smith (TX)

□ 1206

Mr. SPRATT, Mr. WATT and Mrs. JONES of Ohio changed their vote from ''yea'' to ''nay.''

Messrs. WYNN, BOYD, MELANCON, INSLEE, RUSH, RUPPERSBERGER and Mrs. KELLY changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. ANDREWS. Mr. Speaker, I regret that I missed one vote on June 8, 2006. Had I been present I would have voted "no" on H. Res. 850 (Providing for consideration of the bill H.R. 5252, to promote the deployment of broadband networks and services).

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

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, for virtually every telecommunications service, consumers have a choice over which service they can obtain. They can comparison shop and get the deal they feel is best for their family based on service and on price.

The reason that consumers can choose the best telecommunications deal for their family is because most telecommunications services are part of a competitive business. However, unfortunately, this is not true for video services. The lack of competition for cable television service means poorer service, higher prices, and less innovation for new products and services.

Mr. Speaker, it is time we allow competition for video services. The Federal Communications Commission has found that less than 2 percent of markets have face-to-face cable television competition. In the other 98 percent of markets where there is no face-to-face competition, cable rates have increased approximately 85 percent since 1995.

When there is competition, cable rates drop. According to the General Accounting Office, cable competition leads to a 15 percent decrease in costs for consumers. Bringing competition to long distance and wireless services has brought lower costs for consumers. For example, since 1995, the cost for long distance telephone service has fallen approximately 50 percent. The cost of wireless minutes has fallen approximately 77 percent.

This act, the COPE Act, removes barriers to entry for new competitors in the video services market by establishing clear Federal standards to replace the outdated local franchise approval process. There are over 34,000 local franchise authorities. Negotiating just one local franchise can take years.

Now, imagine, Mr. Speaker, negotiating 34,000 such agreements. One company official testified that, for example, if AT&T signed a franchise agreement every day, it would take more than 7 years to complete its deployment plan. Signing all of these agreements is prohibitively expensive to companies interested in offering video service.

This system impedes entry by new competitors, and consumers end up paying the price. Even though companies will be able to get a national or a State franchise instead of negotiating with each of the local authorities, the local authorities will still retain many of their rights under the current system. The local franchise authorities, for example, will still have the right to manage their rights-of-way.

They will receive a franchise fee of up to 5 percent of gross revenues. In addition to the franchise fee, they can receive an additional 1 percent for public, educational and governmental, so called PEG, channels and institutional networks.

This bill includes stringent anti-discrimination provisions. A cable operator will not be able to deny access to its cable service to any group of potential residential cable service subscribers in a franchise area because of the income of that group.

Any complaint filed by a local authority with the FCC must be completed in 60 days. If the FCC finds discriminatory practices against a group, the FCC must ensure that the cable operator extends access to that group within a reasonable period of time. The FCC may also order that the cable operator pay penalties of up to $500,000 per day, per violation to the franchise authority.

In addition, Mr. Speaker, to improving cable competition, this legislation also provides the FCC with explicit authority to enforce its broadband policy statement. The statement has four principles that the FCC can enforce with regard to net neutrality.

Those are that consumers are entitled to, first, access to lawful Internet content of their choice; two, run applications and services of their choice subject to the needs of law enforcement; three, connect their choice of legal devices that do not harm the network; and, four, competition among network providers, application and service providers, and content providers. Consumers are entitled to that as well.

Mr. Speaker, this legislation was introduced by Chairman BARTON and reported out of the Energy and Commerce Committee by a bipartisan vote of 42–12. Most impressive. This is good legislation that will bring competition to cable television finally in this country and lower the price of video services to consumers.

I would like to thank Chairman BARTON and Chairman UPTON and Representative RUSH for their hard work and their leadership on this very important issue.

I urge my colleagues to support both the rule and the underlying legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, our democratic system of government promises that the will of the people it serves will be heard. But it does more than that. It also promises that the right to debate will not be trampled underfoot by the might of simple majorities.

In so doing, it seeks to protect the needs of all of its citizens, rather than simply those of the biggest, the richest, and the most well-connected groups in our society. For all of these reasons, the rule and the bill that we

have before us today is onerous on two separate, but connected, levels.

It should not be a handful of people in the back room that decides what ideas this democracy is allowed to consider. And yet while eight Democrat amendments were made in order last night in the Rules Committee, almost 20 were not.

Among those silenced were crucial corrections to this legislation that would protect the needs of American consumers and citizens against the unchecked ambitions of some of our Nation's largest and most well-connected companies, companies I might add that were perfectly willing to hand over all of our records to the government.

Now, perhaps this makes sense, considering that what we have left is a bill that without amendment will radically undermine the technology that has been proven to embody the democratic ideals of our Nation in a way that few inventions ever have.

□ 1215

I am, of course, talking about the Internet. That is what my Democrat colleagues and I are talking about when we speak of an America that is for sale: Assaults on democracy here in the House that ripple out and hurt Americans everywhere.

Consider some of the amendments the bill turned down yesterday, the Rules Committee turned down yesterday. Representatives DOYLE and DINGELL gave us an amendment that would give local officials and mayors some power over where and how telecommunications companies could build their infrastructure in their towns and cities. This bill will take that power away from them. But the majority did not allow us to debate the amendment today.

Another amendment sought to require telecommunications companies to provide high speed Internet access not just to the well-off neighborhoods, but to all the neighborhoods in our cities and towns so that all our families would have access to the power and knowledge that comes with information and that amendment was rejected by the majority.

Another amendment would have taken an aggressive stance against red lining, the practice of denying service or offering inferior service to consumers because of their race, national origin, religion or gender. That amendment was turned away by the Republican majority.

Mr. Speaker, these were amendments written for the benefit of all Americans. They were designed not to unfairly impinge on the ability of telecommunication companies to do business, but rather to ensure the business done served the public good and the needs of all of us. But when we examine what was put into the bill before us, it makes sense that a handful of folks in the leadership decided for all of us that the amendments would be left out.

The Communications Opportunity, Promotion, and Enhancement Act of 2006 as it stands today will do much more to limit online opportunities than it will enhance the experiences of users or promote the Democratic digital flow of ideas. It is a bill written by and for a limited number of companies that are already wildly profitable. Also, they can make even more money and the American people will pay the price.

It is indeed true that corporations like Verizon and AT&T have invested a great deal in the high technology and infrastructure empowering our Nation's economy, but they are being compensated richly for their efforts by ordinary consumers who pay to access their systems. Verizon, for example, is one of the largest corporations in America with annual revenues in excess of $75 billion a year.

Because the information superhighway these companies help build has remained open to all and free of arbitrary tolls, it has been home to an unlimited profusion of new and novel companies. It is the basis of the greatest exchange of ideas, opinions and information in human history. It has become instrumental to our global economy and to our international political system, and it has allowed a free market to truly flourish.

Today anyone with an idea or business concept can share it with literally billions of others. Open telecommunication systems have broken down walls and made old barriers obsolete. But my colleagues and I are not exaggerating when we say that all of that is threatened by this bill. It permits major telecom corporations to serve those who can pay them the most better than those who cannot pay. The Internet has traditionally been a true marketplace for ideas and commerce with small and large vendors competing on equal footing, a true community bazaar for the 21st century.

This bill, if not amended, will bulldoze the dynamic Main Street style marketplace that is our Internet today and will replace it with a one-size fits all Wal-Mart superdome. We have all seen the effects that type of development has had on local communities all over America. Why on earth would we help the Republicans do the same thing to the Internet as well? Why should Americans accept the destruction of the very concept that makes the Internet what it is today?

The truth is under this law, independent online media outlets and small Internet businesses will not be able to compete anymore. And Internet users will eventually have no choice but to use the services of an ever-dwindling number of online organizations. Innovation of all kinds will be stifled and the ultimate leveler of the playing field will have been forever tilted in favor of the already rich and already powerful. And all of this will have been done simply so the wealthy can make more money.

The solution to this unacceptable outcome, Mr. Speaker, is known as net neutrality; and my colleagues, Mr. MARKEY, Mr. BOUCHER, Ms. ESHOO and Mr. INSLEE have offered an amendment to enshrine that concept in this legislation.

I should say, Mr. Speaker, that while the rule we are debating here today will fortunately allow us to debate the amendment, it does not make in order another fine net neutrality proposal that Chairman SENSENBRENNER and Ranking Member CONYERS developed in the Judiciary Committee.

Net neutrality is being portrayed by some as an attempt at excessive regulation, but the opposite is the truth. But what we are doing here today will have long lasting repercussions, Mr. Speaker. I pray we do it right.

Net neutrality proposals like the one proposed in the MARKEY, BOUCHER, ESHOO, and INSLEE amendment are the only way for us to keep the Internet open for all.

These reforms we are proposing won't prevent telecommunications companies from building their networks and earning tremendous profits . . . .They just won't provide giant companies with a government sanctioned stranglehold on the Internet marketplace.

What they will do instead is ensure that networks will be worth building—that the infinitely diverse universe of information, ideas, and entertainment that currently flows into homes around the world will be protected and perpetuated.

Ultimately, this issue is about the freedom of the marketplace, and understanding the value of competition.

The Republican leadership, who talk so much about benefits of competition and the value of free-markets have abandoned these core principles on this bill, in order to carry water for the biggest and richest telecommunications companies in the world.

And when my friends on the other side of the aisle rejected important amendments to this bill designed to defend ordinary consumers and citizens against some of the largest companies around, they were rigging the game to ensure their own victory.

In the process, I worry that this House leadership is headed toward selling out the needs of tens of millions of Americans yet again.

But they have a chance to change my mind here today, and the minds of millions and millions of Americans who want an Internet not controlled by a handful of mega-corporations.

They have a chance to stand up for the market place of ideas that the Internet has become . . . to embrace true competition instead of trampling it under the foot of big business.

They have a chance to ensure that the Internet will truly belong to all Americans and that anyone who chooses may have a voice online. And that that voice won't be filtered by a few privileged super companies who have greased the skids in Congress.

America deserves better than this, Mr. Speaker.

And I know that quietly many of my Republican colleagues out there today agree with me on this issue.

I just hope they are brave enough to stand with us.

I urge everyone in this House to vote "yes" on the Markey, Boucher, Eshoo, and Inslee amendment.

Without it, this legislation is little more than an unjustifiable attack on a technology with the rarest of potentials—to better the lives of everyone it touches.

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

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

Mr. Speaker, we have fashioned a very fair rule, very fair. Mr. MARKEY's amendment, he has worked long and hard on it, was in order on net neutrality, a very important issue. We look forward to considering it. My distinguished friend, the Chairman of the Judiciary Committee, his problem was that amendment was not germane.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I would say to Ms. SLAUGHTER that as Mr. DIAZ-BALART has mentioned, the bill in question passed 42 to 12 in committee. Only rarely do you see a bill pass with only 20 percent in opposition to the bill. And during this extensive markup, there were plenty of amendments that were offered, many of them were defeated. And a lot of these amendments, particularly the Markey amendment, are going to be offered today. So the main concern that you have is a vote on net neutrality, and we are going to have that today. So I really think what you are complaining about is not of concern to members in general.

The current requirement for new entrants into competitive cable service as has been pointed out are overly burdensome and serve as a barrier to entry. Because of the tireless work of Chairman BARTON and also Mr. UPTON, we have this bill before us, the Communication Opportunity, Promotion, and Enhancement Act, or we call COPE. So the requirement to negotiate local franchise fees as well as obligations of local franchising authorities, what they impose are delaying such entry and blocking the consumer benefits that such entry would provide.

More competition would lead to lower prices, better service and greater innovation, and all of these benefits are positive for our constituents. The COPE Act creates a national framework for the regulation of cable services while striking the proper balance by preserving local government enforcement of local rights of way regulation and national consumer protection rules are in the bill.

The bill also preserves local franchise fees and provides additional financial support for and carriage of educational, public and governmental programming. It is all there. In addition, the COPE Act also includes stricter net neutrality enforcement provisions. These folks against the bill will say there is nothing in the bill for compliance of net neutrality but they are wrong. In the bill it establishes penalties of up to half a million dollars for broadband providers that block lawful content. Mr. Speaker, the FCC would have explicit power to go after companies that violate the network neutrality issues for the first time in this bill.

The FCC now has the ability to enforce their broadband policy statements and the principles included therein. Under this Act, the FCC can act swiftly to punish those who simply violate these principles.

So free and open Internet is crucial to formulating an effective policy. We must not lose site of the fact that if the network providers really do act badly in the future, Congress can and I hope will, step in and legislate through tough rules. But for now the strict, strong enforcement provisions that are in this bill are a tough deterrent to anyone who would act to change the free and open nature of the Internet.

I urge support of the rule. I urge support of the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me time and her leadership on this important issue about openness and freedom on the Internet.

Mr. Speaker, last year, House Democrats met with leaders around the country to create our innovation agenda, a commitment to competitiveness to keep America number one. One young technology leader told us, If you think you have seen it all on the Internet and broadband, you ain't seen nothing yet.

The objective of this legislation, to create more competition in the broadband marketplace, is a laudable one. But a key goal of the telecommunications policy must be that everyone in America, from the most rural areas to the most urban, is never more than a key stroke or a mouse click away from the jobs and opportunity that broadband can create and support. Bridging the digital divide with inclusiveness must be a central value of our broadband efforts, yet today absent from this bill is that spirit of inclusiveness.

Why are we not able to debate amendments that ensure that access is built out to the entire community and not limited by race or religion? Why are we not able to debate amendments to protect our local governments and enforce our local laws?

In fact, on the previous vote on consideration of the resolution that Ms. BALDWIN put forward on unfunded mandates, it was reported by the CBO that this bill could cost local governments about $350 million in unfunded mandates.

It is interesting to me that the Republicans who have had not having unfunded mandates as a principle of their Contract with America, 100 percent of the Republicans voted for an unfunded mandate for localities in our country to the tune of hundreds of millions of dollars. Not one Republican supported the principle of no unfunded mandates. What are the Republicans afraid of?

Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule.

One issue that we do have a chance to vote on today is the Markey amendment on net neutrality. Mr. MARKEY has offered an amendment that will continue the innovative tradition of the Internet by enacting net neutrality protections that ensure all consumers are able to access any content they wish with the same broadband speed and performance. The imposition of additional fees for Internet content providers would unduly burden Web-based small businesses and start-ups. They would hamper communications by noncommercial users, those using religious speech, promoting civic involvement and exercising first amendment freedoms.

That is why organizations across the political spectrum support net neutrality, from the Gun Owners of America to Common Cause, from the Christian Coalition to the Service Employees International Union. America's most innovative companies like Google and eBay and YouTube and Yahoo also favor the Markey amendment.

Without Net neutrality, the current experience that the Internet users enjoy today is in jeopardy. Without the Markey amendment, telecommunications and cable companies will be able to create toll lanes on the information superhighways. This strikes at the heart of the freedom and quality of the Internet.

Today we can vote to retain the openness and innovation of the Internet. I urge my colleagues to vote in favor of the future, in favor of the Markey amendment, and against the restrictiveness of this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise today to support this rule and to support the bill, H.R. 5252, the COPE Act as we have called it. And I want to take a moment and thank Chairman BARTON and Chairman UPTON for their excellent work on this bill. I also want to thank Congressman WYNN who has worked with me on video choice and franchising and on these issues. It has been a bipartisan bill and it has been a 1-year debate, and I thank him for his leadership and his participation on this issue.

□ 1230

I think it is important to note that this bill came out of committee on a strong bipartisan vote, 42–12, and there is a reason that that happened. The reason for that is our constituents know that when we pass this bill that they are going to see greater access to broadband. They are going to have that coming into their communities, and

they are going to have greater access. This is good for them, it is good for their communities, and it is good for economic development in those areas.

Our constituents believe that they have the right, that they should have the opportunity, that they should have the access to something more than one single cable provider, one set of rabbit ears or a satellite; and I agree with them. Government regulation has created the artificial marketplace that exists today, and it is a market that does mean higher prices for our consumers.

There is another point that has been mentioned a couple of times. Some of these so-called D.C.-based groups that lobby for our cities I think have had a little bit of a problem understanding the bill or reading the bill. So I would like to clarify a couple of things there.

New entrants into the video service market would be responsible for the same franchise fees that the incumbent operators pay, and our cities would be receiving those same fees from the new entrants, as well as those incumbent companies. Many times, if you have got an incumbent company, you add one to it that gives you two companies. So you know there is some opportunity there.

New entrants would also provide the same government and education channels. We call those PEG channels. They are going to be included. Cities also maintain control over their rights-of-way.

Now, we know that competition works. We have seen it work in Keller, Texas, and Herndon, Virginia, and in other areas where we have brought in new entrants into the video service market. We know that speeds up broadband. We are 16th worldwide in broadband deployment. So let us speed that up.

Another thing on net neutrality. That is a nice fuzzy sounding name, but if we were to see the amendment being offered today, we would have a net not so neutral and have a Secretary of Internet Access that would be overseeing how we approach that issue. So I would encourage a ''no'' vote on that amendment.

Mr. Speaker, I thank you for the time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member on the committee.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from New York. This is a bad rule. It gags the House. It does not give enough time. It denies opportunity for Members to offer worthwhile and important amendments. It is going to lead to enactment of bad legislation. I would be ashamed to support or present a rule of this character.

This body is supposed to debate matters. We are supposed to be able to offer amendments. We are supposed to be able to represent our constituents, and we are supposed to be able to see to it that the public interest is broadly served by the legislation we pass after fair consideration. None of that is present, and I say to this body on this rule, shame. Reject the rule.

I support consumers having choices for video and broadband. This bill will do more harm than good, and our constituents and communities deserve to know the truth about it, but they also deserve to have a fair bill.

Democrats on the committee offered real solutions to prevent harm to consumers. We came close to a deal. At one point, we had a handshake deal which would have served everybody, but the telephone companies got on the leadership here, and you know what has happened. We are not able to even consider an amendment which will take care of the cities.

This is going to affront the cities. It is going to leave many consumers of these kinds of services with less service, worse service, higher cost and inability to participate fully in the business of moving information and information technology at all.

First, the bill would leave consumers paying higher cable prices for worse service. Some may even lose their only provider of cable service altogether. This is a bill which is supported not by consumers, but by the special interests and by those who will be the beneficiaries of a national system of charter.

Second, the legislation does nothing to stop cable operators and incoming cable operators from offering inferior service to groups of people based on race, color, religion, national origin, or sex. Representatives SOLIS, BALDWIN, WAXMAN, WATSON and WU sought to prevent this by offering a strong anti-discrimination amendment. This amendment has been blocked. Why?

The bill removes the authority of the cities and townships to manage their own property, and it is going to clog the FCC with business which they will simply disregard because it will be inconvenient. Cities will be hurt, our constituents will be hurt, and the constituents of the cities will be hurt. Representative DOYLE and I offered amendments to keep the locals in charge, with courts hearing appeals rather than a Federal bureaucracy. Unfortunately, the Republican majority has again blocked that amendment.

These three issues deserved open debate, they are important, as did others offered by Democratic colleagues, or amendments that might wish to be offered by Members on the floor. This is a complex, technically difficult piece of legislation. It is one in which the future of this country is going to be very much affected, and it is a piece of legislation which is going to relate to how people are treated fairly.

None of that is permitted by the rule. The legislation is a bad bill. We could have made it a good bill had my Republican colleagues been cooperative and had the special interests not gotten on them.

If you look at this legislation and how it is going to work, you will find that this legislation is going to benefit the special interests, particularly the cable and the telephone industry. You will find that it will do nothing for the ordinary citizens. It is a shameful bill.

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

We are very proud of this bill. We were very proud of the rule that brings it forth. Three times as many Democrat or bipartisan amendments have been made in order by the rule that we bring this legislation to the floor with than Republican amendments, three times.

In addition, the cities were heard repeatedly. I have a list here, Mr. Speaker, of concern after concern after concern of the cities that were dealt with by the legislation, are dealt with by the legislation. It is good legislation for the consumers.

Finally, there is going to be competition in this country for cable television, something the consumers have been demanding for many, many years.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), my distinguished friend and colleague.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding, and I want to just comment on a couple of things.

First of all, I rise in support of this rule. Now, there are people on both sides who may say that this rule is not perfect and the bill is not perfect, and they probably would be correct; but I think considering what we can get done this year, this is a very good rule, and this is a very good bill.

I want to call particular attention to an amendment that was made in order that will be offered by me, Mr. STUPAK, Mr. PETERSON, and a group from the Congressional Rural Caucus. It deals with the issue that many Members of Congress, and I suspect many of our constituents, do not completely understand. It is a new technology called voice over Internet protocol. Why is that important? Well, it is a technology that is growing by leaps and bounds, and it has to ride on the telecommunications system, the interstate highway, if you will; and the interstate system is only as good as its weakest link. Everyone wants to serve the suburbs and most companies want to serve the cities, but when you get out into the distant parts of rural America, it becomes more and more difficult to serve those areas.

One of the ways that we have tried to level that playing field is with what is called a universal service fund, and the base bill says nothing about the universal service fund and the obligation that providers of voice over Internet protocol have to participate in the universal service fund.

So the amendment that we are going to be offering, and I hope Members will consider supporting the amendment, will simply say that nothing in this act shall be construed to exempt the VoIP

service provider from requirements imposed by the Federal Communications Commission or a State commission on all VoIP service providers, among others, to participate in the universal service fund.

This is a very important amendment. In many respects, it is innocuous but it is important, especially in rural America; but if you think about it, it is important for everyone because the chain is only as strong as its weakest link.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman.

In a post-GATT, post-NAFTA global world, global economy, you need an ongoing plan as to who is going to gain access to telecommunications technology, Information Age technology.

Well, the Republicans have constructed a defeatist policy. Knowing that 50 percent of the children in America will be minorities by the year 2020 in our country, they have refused Congresswoman SOLIS, Congresswoman WATSON, representing the Hispanic and the Black Caucus, to come out here to make an amendment that would require the telephone companies to build out on the poor side of town, because we know they are going to the wealthy side of town, and they want this decision to be made at the Federal Government level.

Every mayor in the past has made this decision because they negotiate the contract with the cable company, but the Republicans say we are not even going to have a debate on that issue on the House floor.

On net neutrality, 20 minutes, 10 minutes for either side. Net neutrality, an issue which is going to fundamentally change the nature of the Internet forever. On the naming of post offices, the Republicans give 40 minutes of debate. On changing the Internet for the rest of eternity, 20 minutes, evenly divided.

It is so disrespectful of the importance of these issues that it almost defies description, but it is a reflection of the telephone company agenda, and the Republicans have decided to take that agenda 100 percent.

Now, what did the telephone companies have to do with inventing the Internet? Nothing. The browser? Nothing. The World Wide Web? Nothing. What have they had to do with the Internet from the beginning of time? Nothing.

But what the Republican Party has done is side in this bill, in a gag rule that does not allow us to debate the important issues, with the telephone company against every entrepreneurial company in America, the future Sergey Brins, the future Marc Andreessen of Netscape and Google. They are going to have to pay a broadband tax to the telephone company to gain access. It will be their highway. That is what they say.

Well, that runs fundamentally contrary to the agenda which we need to have for the future of America as the entrepreneurial telecommunications Information Age giant in a modern world. This is our strength, and it also completely ignores the role that these 50 percent of minority children are going to have in terms of access to it.

No requirement to build out into the poor parts of town. Now, what kind of plan is that for America? It is a defeatist attitude, and the Republicans have just basically put in this bill the tech agenda for America in a rearview mirror. It is a sad commentary.

Now, Congresswoman SOLIS wants to have an amendment out here so we would debate red-lining to make sure the telephone companies just do not go to the good parts of town. They are going to my part of town. They are going to anybody's part of town that has money in their pocket over $100,000 a year. Sure, that is great. Members of Congress, they are going to be fine. But what about the people in the neighborhoods that people drive around? Are they going to get access to it? Not under their bill, and by the way, not a debate to be had on the House floor.

It is so disrespectful. It is so defeatist. It is so lacking in vision as to what our country needs for entrepreneurs and for minority children, and I beg the Members to vote ''no'' on this rule, to open it up. Forty minutes on the naming of a post office, 20 minutes on the future of the Internet. Vote ''no'' on this Republican rule.

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

That, Mr. Speaker, after having made his amendment in order. Mr. Speaker, there were a number of misstatements that were just made; and first of all, I want to reiterate that this is an extremely fair rule that we have brought forth the underlying legislation with. There are three times as many Democrat or bipartisan amendments has Republican amendments, including the amendment of the gentleman that just spoke.

□ 1245

What I am going to do now is yield 4 minutes to one of the prime authors of this legislation to hopefully clarify a number of the misstatements, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise not only as a Member, but also as the Chairman of the Telecommunications and Internet Subcommittee, and I first want to thank Chairman DREIER and Mr. DIAZ-BALART for their work in crafting what I think is a fair rule in the debate we have today and perhaps tomorrow.

From the start, this has been, I think, a very fair and open process. And I must note that the Barton-Rush-Upton-Pickering bill, H.R. 5252, has been fair and open from the very start. In fact, I would note that when you look at the number of cosponsors, and this bill was filed after we completed the markup in full committee, H.R. 5252, and after we completed the markup, not beforehand but after, 15 Democrats from the Energy and Commerce Committee cosponsored the legislation. That perhaps is one of the reasons why it passed in subcommittee 27–4, overwhelming; and 42–12 before the full committee.

The process has been open. We have had lots of hearings, lots of discussions. We have had lots of viewpoints, lots of panels. We have heard from just about anyone with any interest at all in this legislation as it has moved through this process. We looked at a number of staff drafts, many of them with Member input. Some Members might want to decline to have Members' input, but in any case we had lots of debate and lots of issues that we looked at, starts and stops, and at the end of the day I think that the process, most Members would say, was very fair.

What was the intent of what we were trying to do? It is called deregulatory parity; that is that we are going to treat all of the providers of these services equally, whether they be a cable provider, whether it be telephone or voice provider, or whether they have broadband or high speed Internet access. All of those can provide these services. All of us consumers want those services in our homes and in our businesses, and yet under existing law it is not parity. It really is weighted towards one side and against the others. So the bottom line was we wanted it to be fair, and I think we achieved that result with this legislation.

What does it mean for the consumers? Well, for the consumers that have these services, it is probably going to mean about a $30 to $40 reduction per month. That comes out to about $400 per year that they will save with the enactment of this legislation.

Now, I hear a lot about the cities. We wanted to protect the cities. Let me tell you that the rights-of-way are protected. They are going to be able to govern whether the streets are torn up or where the wires are going to be strung. All of that the cities retain those rights. Look at the language in the bill. It is there.

The revenue stream, very important as well to the cities. Remember, that is us consumers that pay. Some would call it a hidden tax, but it is there. The revenue stream is protected. In fact, there are some studies that came out, we debated this a little earlier, perhaps a 30 percent increase to the cities revenues because you have got more providers coming into town and you are going to have more people that perhaps just have over-the-air and don't pay into that at all who are going to want these new services and it is going to be very beneficial. And we have the same standard, the same standard for accumulating those revenues that there is today.

So the bottom line is this: This was a bipartisan bill. We worked hard to see

it that way, and the proof is in the pudding. That is why a 27–4 vote in subcommittee, overwhelming, and then a 42–12 vote in the full committee brings this bill to the House floor.

Now, earlier this morning, I had a chance to talk to Chairman STEVENS on the other side of the Capitol. They are looking forward to moving legislation. I hope it is fairly close to ours. A markup yet this month and on the floor as early as next month, so that we can get a bill to conference, work together, and get this bill to the President.

I am proud to say that the Barton-Rush-Upton-Pickering bill is gaining a lot of steam, a lot of momentum. This rule vote is very important. I would urge all my colleagues to support the rule, a fair rule. Let us get it done to get the consumers some money in their pockets.

Ms. SLAUGHTER. We appreciate your getting to us, Mr. Speaker, and I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the distinguished ranking member of the Rules Committee.

My colleagues, this debate today and this rule on the bill is a debate about the past or a pathway to the future. This bill, I can't believe it, that in the 21st century we are going to divide up the country on access to the haves and the have-nots.

All we have to do is to look at the history of cable, of the cable industry in our country. They invested billions and billions of dollars to build out everywhere, and the American people won, as did the cable industry. And I applaud that. So what does this bill do? It says, under the new rules, you build out, but you don't have to build out everywhere. You don't have to build out everywhere. We know what will happen as a result of that.

And you know what is in the bill? If you live in a neighborhood where you are not going to have access to this, guess what you can do, Mr. and Mrs. America? You, on your own, can go to the FCC. Is that a joke or what? Although, it is more than a joke, it is an insult, and it is not the way to go.

Ever since I have come to the Congress, I have worked to expand and protect the Internet. So where are we going with this bill? The big telcos are coming in and saying, we have a better idea. On the information superhighway, we are going to have a toll road and we are going to charge and charge mightily on that.

Well, you know what, Members of Congress? We all have cable in our districts. We all have telephone companies in our districts. But you know what, there are tens of millions of Internet users. So what this bill represents, unfortunately, is the reverse gear.

That is not what America is about. America is the best idea that was ever born, and the Internet has been the imprimatur for hands off, for democratizing information; that everyone gets to use it, small businesses, entrepreneurs, individuals, families, teachers, schools, whomever you are, wherever you are, whatever color you are, and regardless of how much money you have. This bill will damage that.

I urge my colleagues to defeat this rule. This bill should not see daylight. We can do better than this.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are strong antidiscrimination provisions in this legislation. And a prime author of this legislation, who has worked very diligently, precisely on this issue, as well as others, and the gentleman who I had the privilege of coming to Congress with, a classmate, Mr. RUSH of Illinois. I yield him 4 minutes.

Mr. RUSH. I want to thank the gentleman for yielding. Mr. Speaker, I am in kind of a difficult situation here. I am a minority, I am a Democrat, I was raised in the civil rights movement, I live next door to a public housing residence in the City of Chicago, and I am a supporter of this rule.

Why am I a supporter of this rule? I am a supporter of this rule because my constituents want to get much-needed relief from the escalating and high cost of cable television. I am amused and I am bemused by the comments of some of my colleagues from the party that I am a member of because they are talking about build out. They are talking about video services in my community, the community that I represent, that I haven't left, that I have been a part of.

Well, let me tell you about that community. That community has the highest viewership of cable television than any other demographic group in America. We pay more for video services, for high premium packages than any other group in America. And why is that? Because only on cable do we see people who look like us, speak like us, and who understand us. That is why we pay more for cable.

Let me just tell you, Mr. Speaker, we don't need build out, we need build up in my community; build up by allowing minority entrepreneurs to get access to the telecommunication industry. And that is what this bill would do, and that is what this rule will provide for. We need build up and not build out. This legislation represents a huge step in lowering prices and creating more choices for cable services, not only to my hard-pressed constituents, but to the entire Nation.

Mr. Speaker, this is a good bill. This is a good rule. Of course, there were amendments in the committee that were voted down. I voted against a lot of them, because the intention of those amendments was to gut the bill. And I cannot go back to my community, because I came here to represent my community. I came here to represent my community, no philosophy, no party, my community, and that is what I am going to do. I am going to represent my community, and my community wants this bill. They want lower cable prices, they want more access, and they want more diversity and content on the video platform. That is what this bill does.

I urge my colleagues, those who can think for the little people in America, not the elite, but for the little people in America, I urge you to vote for this rule.

Mr. Speaker, I rise in support of the rule for H.R. 5252, the Communications, Opportunity, Promotion, and Enhancement Act of 2006, a bill that I jointly and proudly sponsored with my Colleague Congressman BARTON. This legislation represents a huge step in bringing lower prices and more choices for cable services, not only to my hard pressed constituents, but to the entire Nation. Specifically, this bill would provide equitable competition amongst a variety of video service providers. Video service providers can compete in price, quality and quantity, and consumers can finally decide which service provider they prefer. Specifically, this bill would create a nationwide approval process for pay-TV services. By streamlining the archaic franchise system, companies will be able to offer new TV services in many areas while protecting local interests. It would prohibit discrimination on the basis of income and give the FCC the power to impose stiff fines up to 500,000 a day or revoke a provider's franchise area if there is willful or repeated violation of discrimination. The bill also preserves net neutrality by allowing the FCC explicit power to go after companies that violate network neutrality principles and lastly and more importantly H.R. 5252 creates new jobs when video entrants make new investments in advance network.

Mr. Speaker, I believe this is a fair rule it allows for meaningful amendments by my Democratic colleagues. I respectfully urge my colleagues to support this rule and the underlying legislation.

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

Ms. SOLIS. Mr. Speaker, I thank the gentlewoman for allowing me this time.

Mr. Speaker, I rise in strong opposition to the rule. While H.R. 5252, the COPE Act, which I think is a cop-out act, contains a provision that purports to prevent red lining, it is weak and it will prove to be ineffective. It does not fully ensure that all communities, communities of color, regardless of race, income, or national origin will have the benefits of enhanced cable competition.

Last night, in Rules Committee, I offered two amendments, with several of my colleagues, including Ranking Member DINGELL and Congressman MARKEY, which would have strengthened the weak antidiscrimination provisions in this bill. These amendments would establish incremental market-based service requirements for cable providers so that they build out their cable services to their entire franchise area, not skipping over poor communities like mine in east Los Angeles and in the San Gabriel Valley.

We are tired of what goes on, the red lining. The proposed build out that they talk about that is going to be provided in this bill is false. It is not

there. In fact, the Bells did not want to see any language put in to that effect.

So I have to be very straight on this. In my community, yes, we want diversity, yes, we want to see more minority ownership, yes, we want to see more faces portrayed like mine in different aspects of the whole industry, but it is not going to happen overnight, and it is not going to happen with this bill.

In fact, the amendments we provided were strongly supported by over 30 consumer and civil rights advocacy organizations, including the Leadership Conference on Civil Rights, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and the Consumers Union. Despite this strong support, neither of these amendments were accepted by the Rules Committee that I proposed.

The Rules Committee also didn't accept the Doyle-Dingell cities amendment to protect and preserve the ability of our communities to oversee the enforcements of cable franchises. We are going to lose money, folks.

The rule reported by the committee fails to address the serious concerns raised by so many. I urge my colleagues to oppose the rule.

□ 1300

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the Rules Committee made in order three times as many Democrat or bipartisan amendments as Republican amendments. This is an extremely fair rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend Chairman BARTON and Chairman Upton for the hard work they did on this bill.

This bill is pro-consumer and -business legislation. It represents a giant leap forward in our efforts to reform the Nation's telecommunications laws. Bringing our laws up to date with current technologies will remove many of the current bureaucratic barriers that prevent consumers from having access to the latest television and broadband technologies.

Furthermore, this bill will have a significant impact on rural areas such as mine by making more services available. This legislation represents months of hard work, and for consumers it means two things: it means more choices and lower prices, pure and simple.

Capitalizing on this opportunity now will ensure that Americans enter the Digital Age as soon as possible.

Much has been said about net neutrality, and there is a Markey amendment in order which is called ''net neutrality.'' That is a catchy phrase, but it is not descriptive. What it is is government regulation of the Internet. Now you can call a pig a chicken, but it doesn't make it a chicken. It is still a pig. You can call an amendment ''net neutrality'' when it is government regulation, and it is still government regulation. That is an amendment that is a solution in search of a problem. I would urge Members to vote against that amendment, to vote for this rule, and vote for the bill.

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

Ms. WATSON. Mr. Speaker, I rise in strong opposition to the rule for H.R. 5252, the COPE Act. ''COPE'' is the perfect name for this act because we will be coping for the results of this act for decades to come.

My constituents have been coping with high cable prices for years now, and because this rule omits several key amendments, many may be forced to cope with these high bills, inferior service, or lack of access for a long time.

My colleagues and I offered amendments we think will truly strengthen the bill. We offered an amendment that would prevent telecom companies from picking and choosing the parts of communities they wish to service. It would have required gradual market-based build-out to all areas so all constituents will eventually be served in exchange for access to public rights-of-way. Unfortunately, because this amendment was blocked, oversight would be left to Washington, D.C.

The FCC's oversight of local rights-of-way does in no way serve our cities, nor our constituents. They deserve a local court of appeal that knows the community and therefore can make sound judgments that benefit all of our constituents.

Our other amendment strengthens the antidiscrimination language necessary to ensure that people of all races, colors, religions, national origins, or sex have a court of law to turn to in the event they receive inferior access or no access to important telecom services.

This necessary safeguard protects all people, particularly those who have historically been denied access to services others take for granted. Because this amendment was blocked, telecom companies can redline entire neighborhoods, leaving minorities and others behind.

I urge my colleagues to vote against this rule. It does not offer an alternative to a weak telecommunications bill that only protects fair services for a few and not all.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we are very proud of the rule and we are very proud of the underlying legislation, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. HINCHEY).

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

Mr. HINCHEY. Mr. Speaker, I thank the gentlewoman from New York, my friend and colleague, for giving me this time to discuss this rule and the bill that it controls.

I hope that the majority of the people in this House will vote against this rule. This House of Representatives is supposed to provide the American people with a free, open and fair discussion of the most critical issues that affect them and this democratic Republic.

This rule does just the opposite. This rule closes down the debate on one of the most important issues before the American public and before this Congress, and that is the free and open, fair dissemination and discussion of information.

What this legislation does is it curtails the free, open and fair discussion of information, even more so than we have currently, and the situation that we have currently is bad enough. A large part of that badness comes out of the 1996 Telecommunications Act, which the Republican Party pushed through this House of Representatives back then.

Remarkably, there were 16 of us who voted against that bill. A lot more wish they had voted against it today, and those people who vote for this rule and vote for this bill, at some point in the future they will regret having done so because what this rule does is close down debate on a bill which closes down discussion of important issues before the American public.

Let me just give you a quote from the Supreme Court. Almost 60 years ago the Supreme Court declared: ''The widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public. A free press is a condition of a free society.''

What do we have today? Today we have five companies that own the broadcast networks. They own 90 percent of the top 50 cable networks. They produce three-quarters of all prime-time programming, and they control 70 percent of the prime-time television market.

These same companies that own the Nation's most popular newspapers and networks also own 85 percent of the top 20 Internet news sites, and you are going to close down the Internet even more with this legislation.

One-third of America's independent TV stations have vanished. There has been a 34 percent decline in the number of radio station owners since the 1996 Telecommunications Act passed.

I want to say this to my dear friend from Chicago for whom I have the greatest affection and affiliation: there has also been a severe decline in the number of minority-owned broadcast stations since the end of the 1990s. Minorities now own little more than 1.5 percent of U.S. television stations, and they own 4 percent of the Nation's AM and FM radio stations.

This bill now closes down the process even more. It closes down the last free, open element of communication not controlled by big corporations in America. It closes down the Internet. It is going to make the Internet less available to Americans. It is going to

make communication through the Internet less available to Americans. And it is going to further stifle debate on the most important issues confronting our country just in the same way that this Republican rule stifles debate on this very important piece of legislation.

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

Mr. Speaker, we are again very proud of the rule that we have brought this legislation forth under. A colleague on my side of the aisle asked me why is it you are making three times as many Democrat or bipartisan amendments in order as Republican amendments, and my rely was we want to be as fair as possible. That is what we are doing today.

We are very proud of the process and the rule. We are very proud of the underlying legislation. It is extremely pro-consumer and is going to bring relief to consumers, to our constituents throughout the country.

It is finally going to bring competition to the cable television process in this country. So it is very important legislation. It has been made possible by hard work and study and perseverance by numerous Members.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in strong opposition to today's rule for the COPE Act which blocked many important amendments, including an amendment that was of great concern to the people all of us represent in this body. Each of us comes from cities or towns, many of us were elected to this body from county councils. Some of us were mayors. I have gotten a lot of calls from the cities I represent, and I know my friends on both sides of the aisle have too, but the leadership stands in the way of debating the amendment that answers their calls.

This rule hangs up on cities and towns. This rule should be voted down. With the Doyle-Dingell cities amendment ruled out of order, leadership has told our cities, told our towns, told our mayors, told our councilmen that leadership does not care about their concerns. Even though TV revenues are a large part of municipal budgets, even though their citizens rely on public, educational, and government channels for information, even though local governments have a lot to say, the leadership has told local governments they are shut out of this debate. This rule should be voted down.

There has been little debate about the COPE Act and what it does to rights-of-way. Proponents say it protects city streets. In reality, it only goes halfway. It allows cities to manage their rights-of-way which include streets, sidewalks and other public property; but that is exactly what America's cities and towns do today. But the COPE Act sends any dispute about those rights-of-way to the FCC. That is such a fundamental change. The COPE Act is so far from how it works today, and our body needs to debate it. This rule should be voted down.

If a city like Pittsburgh has an ordinance that prohibits blocking rush-hour traffic on a major road, who is best to determine whether that ordinance is legal under the COPE Act? Is it somebody from the Pittsburgh area, or is it a bureaucrat in Washington at the FCC?

Mr. Speaker, the COPE Act sends these disputes to the FCC. Why? We will never know. The leadership is afraid of a debate. They are afraid the voices of cities and towns might actually win this amendment. Our body should debate this change of policy. This rule should be voted down.

Today, local governments also enforce the franchise agreements they have signed with cable operators. These franchises include a wide range of other matters. But guess what, the COPE Act takes all other local disputes that used to be resolved locally and it detours them to the FCC. This rule should be voted down.

The Doyle-Dingell cities amendment would have saved taxpayers money by allowing local governments to handle these local problems first. It tapped into the infrastructure local governments already have in place to handle these complaints. This rule should be voted down.

I want to thank my friends on the other side of the aisle who expressed interest in the Doyle-Dingell amendment. I am sad that their interest in solving problems in a bipartisan manner might have killed its chances from being considered.

Mr. Speaker, the Doyle-Dingell amendment was supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and others. Without our amendment, the COPE Act will create real problems for America's cities. Why should Congress detour disputes about how a city manages its roads away from the local area?

Since when does the FCC care about the Pittsburgh public access channel? How fast will the FCC respond to Pittsburgh's institutional network, the I-Net that a city relies on.

□ 1315

Why should the FCC be the final arbiter over America's streets?

Why is Congress telling America's local governments that they have to hire a Washington attorney to defend their roads?

We will never know. We are not allowed to debate this bill. This rule should be voted down.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I think we have heard a good debate. I think the key, first with regard to the process, the rule. Obviously every piece of legislation is brought forth for consideration by rule that sets the terms of the debate, how many amendments can be made in order, how long they be can be debated, et cetera.

As I said before, a colleague of mine on my side of the aisle said, why have we made under this rule three times as many Democrat or bipartisan amendments than Republican amendments? I said, because we want to be fair. It is an important issue; want to make sure that everybody gets a chance, that the key issues, the key issues have a chance to move forward in a fair way. So we are being exceptionally fair. It is an exceptionally important issue.

There is finally going to be competition for cable television in this country. I don't know about you, Mr. Speaker, but I have constituents through the years complain about their lack of choice with regard to cable, the fact that rates continue to rise. There is no competition. There is no alternatives for consumers with regard to cable television.

Finally, there is going to be, because of this legislation. So it is an important piece of legislation. That is why we wanted to be as fair as possible with regard to the terms of debate. That is why we made three times as many amendments, Democrat or bipartisan amendments in order than Republican amendments.

We have still heard complaints. Obviously it is a free country. But Mr. Speaker, we are proud of the rule, proud of the process, of the hard work that has been put into this legislation, starting with Chairman BARTON, Mr. RUSH of Illinois, Mr. UPTON, so many others, Mr. PICKERING, who have worked so hard on this piece of legislation, and we bring it forth in a very fair process with a very fair rule.

Mr. BUYER. Mr. Speaker, as the telecommunications industry takes leaps and bounds in pushing the innovation envelope, it is almost impossible for the Federal Government to keep pace. In fact, it is often times a detriment for the Government to preemptively legislate on an issue before we can either define it or grasp its impact. What we can do is to remove barriers to entry that currently exist, paving the way for new entrants to offer services benefiting this Nation.

The legislation before us here today is a step in the direction of more choice and lower costs for American consumers. A national cable franchise will streamline the current process and allow faster entry into the marketplace for non-traditional cable providers providing real choice for all of our constituents.

In my home State of Indiana, legislation was enacted earlier this year, streamlining the process by which cable providers could offer service. Already, investment is coming to the heartland—millions of dollars is being plugged into our economy by companies laying fiber, offering different services, leading to more jobs in Indiana. Let's also talk about the smaller companies in my district, and across Indiana, who now are free from barriers to entry so they can begin to offer cable services to compete with larger companies.

Who is the winner in the end? Our constituents, our economy, our innovators. I thank Chairman BARTON and Chairman UPTON for their leadership on this issue.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5522, and that I may include tabular material on the same.

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

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 851 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5522.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, with Mr. THORNBERRY in the Chair.

The Clerk read the title of the bill.

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

The gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am pleased today to present to the House of Representatives H.R. 5522, the fiscal year 2007 appropriation bills for foreign operations, export financing and related programs. And I might say, Mr. Chairman, that I am pleased to have you back in the Chair for I am not sure how many of the consecutive years since I have been doing this bill that you have been there, but it feels very good to have you back with us.

Before I turn to the bill, let me just mention that this is the last appropriations bill that I will be bringing to the floor, at least the last regular foreign operations appropriations bill.

As with nearly every other foreign operations bill over the last 6 years, this bill is a product of bipartisan cooperation, something I could not have done without the support and cooperation of my esteemed ranking member, Mrs. LOWEY, or my vice chairman, Mr. SHERWOOD and every member of the subcommittee.

I am proud of this bill. I can honestly say it has probably been one of the more difficult ones that we have put together. The bill before you totals $21.3 billion. While this level is $597 million above the amount provided in fiscal year 2006, not counting supplementals, it is fully $2.4 billion below the amount requested by the President. In other words, by reducing the allocation by $2.4 billion, we have freed up that amount for pressing domestic needs.

The bill includes increases for three priorities, the war on terror, the Millennium Challenge Corporation, and international health spending, priorities which lie at the core of the United States interests abroad. For the war on terror, this bill includes $962.3 million for Afghanistan. This amount is $137 million below the President's request, but $85 million over fiscal year 2006.

As with last year's bill, this bill continues a provision that withholds $385 million until the Afghan government, both at national and local levels, fully cooperates with our efforts against narcotics production and trafficking. I want to be clear that I appreciate the support of the government of Afghanistan in the war on terror. However, that government must take difficult but necessary measures to fight narcotics production and trafficking, measures that it has so far been unwilling or unable to take.

The bill also includes $521.9 million for Iraq. While below the President's request, it represents a very large increase of $461 million over what we provided in fiscal year 2006. That is because last year we required the administration to fund Iraq programs from unexpended relief and reconstruction funds that were in the very original supplemental appropriation. Now, however, these funds are nearly all expended.

This bill would normalize Iraq and Afghanistan assistance programs, moving them away from emergency supplementals that exceed budget limits.

The bill contains no funding in the economic support fund for West Bank and Gaza programs. Although the President's requested $150 million for this purpose, the request was made before Hamas was elected to lead the Palestinian Authority. The subcommittee believes that humanitarian assistance must continue to the Palestinian people, a view, I might add, that is shared by the Israeli government and by the administration.

Such funding is not affected by this bill. It does contain humanitarian pro democracy funding with restrictions and safeguards that have been included in the past.

For international health, the bill contains the President's requested amount of $3.4 billion for the emergency plan for AIDS relief, and increase of $751.6 million. Within this sum, we more than double the President's request for a contribution to the global fund to fight AIDS, tuberculosis and malaria, to attain last year's level of $444.5 million.

At the same time, I am pleased that the bill maintains last year's funding levels for other health programs, including an increase for malaria programs of $243 million. For several years now the President's budget request has included deep cuts to international health programs. We have worked hard to restore them to at least the level of the previous year.

In order to bring these accounts back up, we have had to cut some other programs that are also priority programs. We provide $2 billion for the Millennium Challenge Corporation, but that is $1 billion below the request of the President. It is $248 million above the amount that we provided in 2006.

This is a difficult decision for me, but I saw no way to move forward with a bill that gave the full amount that the President asked for the Millennium Challenge Corporation. My goal was very simple, I wanted to send a clear message that Congress supports the MCCs innovative, accountable approach to help countries move away from reliance on donor funding. I think a $248 million increase does send that very clear message, while it frees up funds above that level that enables us to bring before you today a bipartisan bill.

The bill contains two important innovations. First, it includes a Trade Capacity Enhancement Fund which consolidates trade capacity funding from a variety of accounts. This new account includes $522 million, virtually all of what is spent for trade capacity by agencies and accounts that are under the jurisdiction of this subcommittee. And it is about half of the $1.3 billion that is spent on a government-wide basis.

Since we will now require a coherent strategy for the use of these funds, it is my hope and my belief that this new account will provide a strong incentive for countries to liberalize their trade regimes.

This bill would also restructure assistance to Colombia, formerly provided only through the Andean Counterdrug Initiative, or ACI. I want to be very clear about one point. This

bill does not cut funding from the President's request for Colombia.

□ 1330

It simply reallocates the funds requested and appropriated to regular assistance accounts. It begins to treat Colombia as we treat other strategic partners.

I think it should be clear to all of us by this time that Colombia has made significant progress in the war on drugs. They are now bringing guerilla forces in from the jungle, they are prosecuting those who are implicated in serious crimes, and they are reintegrating others back into society. Coca interdiction, although not eradication, but interdiction, continues to improve. I spoke with Speaker HASTERT, who years ago fathered the legislation creating the ACI, about this reformulation of assistance. It has his support. The Colombian government also supports this move. It is time to recognize both successes of Colombia and its strategic importance to the region.

Finally, this bill includes the President's full request for Israel and for Egypt, our two partners of longstanding in the Middle East. Report language from previous years is continued directing $50 million of Egypt Economic Support Fund assistance to be used for democracy and another $50 million for education. Other language, again the same as last year, would withhold expenditures until Egypt implements financial sector reforms. Importantly, this bill would also rescind $200 million from unexpended balances made available for Egypt in previous years.

In closing, let me say, again, it has been a great pleasure to work with my distinguished colleague, ranking member on the minority side, Mrs. LOWEY, who I have the greatest respect and affection for. It has been a pleasure to work with her and with her staff, with Beth Tritter and Nisha Desai. And I don't want to neglect mentioning the fine work of the majority staff, Betsy Phillips, Rob Blair, Craig Higgins, Delia Scott, and Lori Maes, and also Todd Calongne, a USAID fellow working on my personal staff. They are all competent, professional, and a joy to work with. The work that we have accomplished together, and I want to underscore the word ''together,'' has helped make America more secure. It has improved the lives of millions throughout the world.

We have accomplished much over these last 6 years. My colleagues have often heard me say that foreign assistance is a vital component of United States economic and security interests, to say nothing of the humanitarian imperative. And while two significant initiatives were begun under my watch, the Emergency Plan For Aids Relief and the Millennium Challenge Corporation, the changes we have implemented in 6 years of appropriations run even deeper. We have worked to direct our nonsecurity foreign assistance around three primary issues, which I believe are at the heart of global development: Health, trade, and governance. This bill continues that direction.

In 2001, international HIV/AIDS and tuberculosis spending from these accounts was $535 million. Today, just 5 years later, we are at $3.4 billion. With these steady increases, we have provided life-saving medicines to hundreds of thousands of people in the developing world, people who are still alive to take care of their children and be productive members of their economies, thanks to the antiretroviral drugs that we are now providing to them and other important therapies. As importantly, these are people who now live with hope, and I believe that people with hope are less likely to be attracted to crime and violence.

The New Trade Capacity Enhancement fund will place trade where it belongs, at the center of our international development agenda. Without trade, sustained global development is simply not possible. This new account will provide further incentives for countries to enter constructive trade agreements with the United States and others. It will also help to ensure that the right programs and policies are in place to make sure the poor are not left behind as economies improve.

Finally, the bill provides further support, as I mentioned, to the Millennium Challenge Corporation, which I see as our best hope for weaning countries from foreign assistance. The MCC provides another set of incentives to countries to make the correct policy decisions, policies which improve rule of law and economic policies, investments in the health and education of people.

I am proud to have served in this institution, and I am especially proud of the work of this committee and this subcommittee. The package of foreign assistance before you is built on a solid basis of experience, funds programs that are more accountable and transparent, and, most importantly, helps to protect U.S. security at home and abroad. It is an example of the good that can be accomplished with a bipartisan effort, and I can think of no arena more important for a unified American voice than in foreign affairs.

Mr. Chairman, fellow members, I am pleased to submit this bill and urge your favorable consideration.

Mr. Chairman, I include the following for the RECORD.

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - EXPORT AND INVESTMENT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Subsidy appropriation	99,000	26,382	26,382	-72,618	---
Administrative expenses	72,468	75,234	75,234	+2,766	---
Inspector General	990	988	988	-2	---
Negative subsidy	-35,000	-45,000	-45,000	-10,000	---
Emergency appropriations (P.L. 109-148) (rescission)	-25,000	---	---	+25,000	---
Total, Export-Import Bank of the United States	112,458	57,604	57,604	-54,854	---
OVERSEAS PRIVATE INVESTMENT CORPORATION					
Noncredit account:					
Administrative expenses	41,851	45,453	45,453	+3,602	---
Insurance fees and other offsetting collections	-240,000	-258,000	-258,000	-18,000	---
Subsidy appropriation	20,073	20,035	20,035	-38	---
Total, Overseas Private Investment Corporation	-178,076	-192,512	-192,512	-14,436	---
FUNDS APPROPRIATED TO THE PRESIDENT					
Trade and development agency	50,391	50,300	50,300	-91	---
Total, title I, Export and investment assistance	-15,227	-84,608	-84,608	-69,381	---
TITLE II - BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
United States Agency for International Development					
Child survival and health programs fund	1,569,150	1,433,000	1,565,613	-3,537	+132,613
(Transfer out)	(-5,940)	---	---	(+5,940)	---
Emergency appropriations (P.L. 109-148)	75,200	---	---	-75,200	---
Development assistance	1,508,760	1,282,000	1,294,000	-214,760	+12,000
(Transfer out)	(-20,790)	(-21,000)	(-21,000)	(-210)	---
(By Transfer)	---	---	(135,000)	(+135,000)	(+135,000)
International disaster assistance	361,350	348,800	348,800	-12,550	---
Emergency appropriations (P.L. 109-148)	56,330	---	---	-56,330	---
Subtotal, Disaster assistance	417,680	348,800	348,800	-68,880	---
Transition Initiatives	39,600	50,000	40,000	+400	-10,000
Development Credit Authority:					
(By transfer)	(20,790)	(21,000)	(21,000)	(+210)	---
Administrative expenses	7,920	8,400	8,400	+480	---
Africa House and Infrastructure Facility	---	5,000	---	---	-5,000
Subtotal, Development assistance	3,618,310	3,127,200	3,256,813	-361,497	+129,613
Payment to the Foreign Service Retirement and Disability Fund	41,700	38,700	38,700	-3,000	---

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Operating expenses of the U.S. Agency for International Development	623,700	678,826	646,000	+22,300	-32,826
Emergency supplemental (P.L. 108-106)	---	---	---	---	---
(By transfer)	(5,940)	---	---	(-5,940)	---
Subtotal, Operating expenses	623,700	678,826	646,000	+22,300	-32,826
Capital Investment Fund	69,300	131,800	105,300	+36,000	-26,500
Operating expenses of the U.S. Agency for International Development Office of Inspector General	35,640	38,000	39,000	+3,360	+1,000
Total, USAID	4,388,650	4,014,526	4,085,813	-302,837	+71,287
Other Bilateral Economic Assistance					
Economic support fund:					
Israel	237,600	120,000	120,000	-117,600	---
Egypt	490,050	455,000	455,000	-35,050	---
Other	1,880,010	2,639,470	2,075,740	+195,730	-563,730
Economic support fund (P.L. 108-106)	---	---	---	---	---
(Transfer out)	(-5,000)	---	---	(+5,000)	---
(Transfer out)	---	---	(-135,000)	(-135,000)	(-135,000)
Iraqi Relief and Reconstruction Fund (by transfer)	(5,000)	---	---	(-5,000)	---
Subtotal, Economic support fund	2,607,660	3,214,470	2,650,740	+43,080	-563,730
International Fund for Ireland	13,365	---	10,800	-2,565	+10,800
Assistance for Eastern Europe and the Baltic States	357,390	273,900	227,900	-129,490	-46,000
Assistance for the Independent States of the former Soviet Union	508,860	441,000	371,280	-137,580	-69,720
Trade Capacity Enhancement Fund	---	---	522,000	+522,000	+522,000
Total, Other Bilateral Economic Assistance	3,487,275	3,929,370	3,782,720	+295,445	-146,650
INDEPENDENT AGENCIES					
Inter-American Foundation					
Appropriation	19,305	19,268	19,268	-37	---
African Development Foundation					
Appropriation	22,770	22,726	22,726	-44	---
Peace Corps					
Appropriation	318,780	336,700	324,587	+5,807	-12,113
Millenium Challenge Corporation					
Appropriation	1,752,300	3,000,000	2,000,000	+247,700	-1,000,000

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Department of State					
Global HIV/AIDS initiative	1,975,050	2,894,000	2,772,500	+797,450	-121,500
Democracy Fund	94,050	---	---	-94,050	---
International narcotics control and law enforcement	472,428	795,490	703,600	+231,172	-91,890
Subtotal, Narcotics control	472,428	795,490	703,600	+231,172	-91,890
Andean Counterdrug Initiative	727,155	721,500	506,850	-220,305	-214,650
Migration and refugee assistance	783,090	832,900	750,206	-32,884	-82,694
United States Emergency Refugee and Migration Assistance Fund	29,700	55,000	30,000	+300	-25,000
Nonproliferation, anti-terrorism, demining and related programs	405,999	449,430	425,010	+19,011	-24,420
Conflict response fund	---	75,000	---	---	-75,000
Subtotal, Department of State	4,487,472	5,823,320	5,188,166	+700,694	-635,154
Department of the Treasury					
International Affairs Technical Assistance	19,800	23,700	23,700	+3,900	---
Debt restructuring	64,350	182,799	20,000	-44,350	-162,799
Subtotal, Department of the Treasury	84,150	206,499	43,700	-40,450	-162,799
Total, title II, Bilateral economic assistance	14,560,702	17,352,409	15,466,980	+906,278	-1,885,429
Appropriations	(14,429,172)	(17,352,409)	(15,466,980)	(+1,037,808)	(-1,885,429)
Emergency appropriations	(131,530)	---	---	(-131,530)	---
(By transfer)	(31,730)	(21,000)	(156,000)	(+124,270)	(+135,000)
(Transfer out)	(-31,730)	(-21,000)	(-156,000)	(-124,270)	(-135,000)
TITLE III - MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training	85,877	88,900	88,000	+2,123	-900
Foreign Military Financing Program:					
Grants:					
Israel	2,257,200	2,340,000	2,340,000	+82,800	---
Egypt	1,287,000	1,300,000	1,300,000	+13,000	---
Other	910,800	910,900	814,900	-95,900	-96,000
Subtotal, Grants	4,455,000	4,550,900	4,454,900	-100	-96,000
(Limitation on administrative expenses)	(41,600)	(43,500)	(42,500)	(+900)	(-1,000)
Total, Foreign Military Financing	4,455,000	4,550,900	4,454,900	-100	-96,000
Peacekeeping operations	173,250	200,500	170,000	-3,250	-30,500
Subtotal, Peacekeeping operations	173,250	200,500	170,000	-3,250	-30,500
Total, title III, Military assistance	4,714,127	4,840,300	4,712,900	-1,227	-127,400
Appropriations	(4,714,127)	(4,840,300)	(4,712,900)	(-1,227)	(-127,400)
Emergency appropriations	---	---	---	---	---
(Limitation on administrative expenses)	(41,600)	(43,500)	(42,500)	(+900)	(-1,000)

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development:					
Global Environment Facility	79,200	56,250	56,250	-22,950	---
Contribution to the International Development Association	940,500	950,000	950,000	+9,500	---
Contribution to Multilateral Investment Guarantee Agency	1,287	---	---	-1,287	---
(Limitation on callable capital subscriptions)	(8,127)	---	---	(-8,127)	---
Total, World Bank Group	1,020,987	1,006,250	1,006,250	-14,737	---
Contribution to the Inter-American Development Bank:					
Contribution to the Enterprise for the Americas Multilateral Investment Fund	1,725	25,000	23,000	+21,275	-2,000
Inter-American Investment Corporation	1,725	---	---	-1,725	---
Total, Inter-American Development Bank	3,450	25,000	23,000	+19,550	-2,000
Contribution to the Asian Development Bank:					
Paid-in capital	---	23,750	---	---	-23,750
Contribution to the Asian Development Fund	99,000	115,250	115,250	+16,250	---
Total, Asian Development Bank	99,000	139,000	115,250	+16,250	-23,750
Contribution to the African Development Bank:					
Paid-in capital	3,602	5,018	5,018	+1,416	---
(Limitation on callable capital subscriptions)	(88,334)	(78,622)	(78,622)	(-9,712)	---
Contribution to the African Development Fund	134,343	135,700	135,700	+1,357	---
Total, African Development Bank	137,945	140,718	140,718	+2,773	---
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital	1,006	---	---	-1,006	---
(Limitation on callable capital subscriptions)	(2,250)	---	---	(-2,250)	---
Contribution to the International Fund for Agricultural Development	14,850	18,000	18,000	+3,150	---
Total, International Financial Institutions	1,277,238	1,328,968	1,303,218	+25,980	-25,750
International Organizations and Programs					
Appropriation	326,163	289,000	327,570	+1,407	+38,570
Total, title IV, Multilateral economic assistance	1,603,401	1,617,968	1,630,788	+27,387	+12,820
(Limitation on callable capital subscript)	(98,711)	(78,622)	(78,622)	(-20,089)	---

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V - GENERAL PROVISIONS					
Expenditure transfer (Sec. 540)	---	---	---	---	---
Sec. 6084 Security in Asia	9,900	---	---	-9,900	---
Sec. 577	---	---	---	---	---
Sudan (Sec. 569)	---	---	---	---	---
Rescission	---	---	-388,100	-388,100	-388,100
Total, title V, General Provisions	9,900	---	-388,100	-398,000	-388,100
Appropriations	(9,900)	---	---	(-9,900)	---
Grand total	20,872,903	23,726,069	21,337,960	+465,057	-2,388,109
Appropriations	(20,766,373)	(23,726,069)	(21,726,060)	(+959,687)	(-2,000,009)
Emergency appropriations	(131,530)	---	---	(-131,530)	---
Contingent emergency appropriations	---	---	---	---	---
Rescissions	(-25,000)	---	(-388,100)	(-363,100)	(-388,100)
(By transfer)	(31,730)	(21,000)	(156,000)	(+124,270)	(+135,000)
(By transfer emergency appropriations)	---	---	---	---	---
(Transfer out)	(-31,730)	(-21,000)	(-156,000)	(-124,270)	(-135,000)
(Transfer out emergency appropriations)	---	---	---	---	---
(Limitation on administrative expenses)	(41,600)	(43,500)	(42,500)	(+900)	(-1,000)
(Limitation on callable capital subscript)	(98,711)	(78,622)	(78,622)	(-20,089)	---
(Emergency Supplemental (P.L. 108-106))	(131,530)	---	---	(-131,530)	---

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Emergency appropriations	-131,530	---	---	+131,530	---
ATB adjustment	---	---	---	---	---
Total, adjustments	-131,530	---	---	+131,530	---
Total (including adjustments)	20,741,373	23,726,069	21,337,960	+596,587	-2,388,109
Amounts in this bill	(20,872,903)	(23,726,069)	(21,337,960)	(+465,057)	(-2,388,109)
Scorekeeping adjustments	(-131,530)	---	---	(+131,530)	---
Prior year outlays	---	---	---	---	---
Total mandatory and discretionary	20,741,373	23,726,069	21,337,960	+596,587	-2,388,109
Mandatory	(41,700)	(38,700)	(38,700)	(-3,000)	---
Discretionary	(20,699,673)	(23,687,369)	(21,299,260)	(+599,587)	(-2,388,109)
RECAP BY FUNCTION					
Mandatory	41,700	38,700	38,700	-3,000	---
Prior year outlays	---	---	---	---	---
Total, Mandatory	41,700	38,700	38,700	-3,000	---
Discretionary	20,699,673	23,687,369	21,299,260	+599,587	-2,388,109
Prior year outlays	---	---	---	---	---
Total, Discretionary	20,699,673	23,687,369	21,299,260	+599,587	-2,388,109
Grand total, Mandatory and Discretionary	20,741,373	23,726,069	21,337,960	+596,587	-2,388,109
DISCRETIONARY 302(b) ALLOCATION					
302(b) allocation	20,937,000	---	21,300,000	+363,000	+21,300,000
Over/under allocation	-237,327	23,687,369	-740	+236,587	-23,688,109

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

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

Mr. Chairman, I rise in strong support of this bill, and I urge my colleagues to support it as well. Our 302(b) allocation, which was nearly $2.4 billion below the President's requested level, presented us with several challenges. Within this sharply reduced allocation, we were compelled to fit dramatic increases in presidential priorities such as the Millennium Challenge Account and the President's Emergency Plan For AIDS Relief, as well as increased funding for Afghanistan and Iraq.

I generally agree with Chairman KOLBE on the spending levels recommended within the reduced allocation. We worked closely together as always to ensure that, in the face of devastating cuts, we at least level funded child survival and health and development assistance priorities. The bill provides the President's request of $3.4 billion for HIV/AIDS, increasing the overall amount for HIV/AIDS and TB by $751 million over the fiscal year 2006 enacted levels, and more than doubling the President's request for the global fund to fight AIDS, TB, and malaria to the fiscal year 2006 enacted level of $444.5 million. Although I know we both wish we could have done more for the global fund, I believe we are doing the best we can with the resources we have.

The bill maintains level funding for basic education in the development assistance account at last year's level of $365 million. And I am pleased that we have been able to increase non-DA funds for basic education in the bill for a total of $550 million. We also continue the U.S. reconstruction program in Afghanistan, fully fund the requested levels for Liberia, Haiti, and Sudan, and fully fund our strategic commitments in the Middle East. I am pleased that we have also restored deep cuts the President requested in family planning and reproductive health programs. The bill substantially increases family planning funding and the child survival and health account from the President's request, fully restores bill-wide bilateral funding to $432 million, the fiscal year 2006 House-passed level, and earmarks $34 million for the United Nations population fund.

I am also pleased that the bill restores funding for several key U.N. agencies, including UNICEF; UNDP, UNIFEM, and the UNIFEM Trust Fund.

I want to commend the chairman for his willingness to take a critical look at the Andean Counternarcotics Initiative, and specifically how the continuation of a special program aimed primarily at eradication of coca is consistent with the myriad U.S. foreign policy goals in the Andean region. I do believe that our overemphasis on the drug war has caused us to neglect many of the critical objectives throughout Latin America, and it is my hope that the changes made by the chairman in the allocation of funds in this bill are the first steps toward a wholesale reevaluation of our foreign aid program in the region.

I want to point out a few specific concerns I have with the bill. Our shamefully low allocation required us to make cuts from the requests in several key areas, including Migration and Refugee Assistance, peacekeeping, programs for Eastern Europe and the former Soviet Union, key Economic Support Fund programs, and Congo debt relief. It is my hope we will be able to restore these cuts and even provide increases where warranted, in conference, in addition to providing funding for many of these priorities in the supplemental conference report expected on the House floor tomorrow.

I also hope that we can restore full funding for the United States commitment to the Global Environmental Facility. The President's requested level granted in this bill is more than $20 million less than what we had pledged. In light of the GEF's adoption just this week of a number of U.S. initiated matters and reforms, I believe we have a particular responsibility to fully fund our commitment to this organization.

I am disappointed that this bill places no conditionality whatsoever on U.S. military assistance to Indonesia and Guatemala. Despite constructive language on Indonesia included in the FY 06 bill, this bill fails to send the message that the United States does expect Indonesia to continue on the path of achieving true civilian control over the military and accountability for human rights abuses. Again, I hope this is something we can remedy in conference.

Finally, I would like to take this opportunity to thank Chairman KOLBE for his hard work this year and every year throughout his tenure in creating a bipartisan environment for examining our foreign aid policy priorities and addressing the funding needs of our foreign assistance program. The chairman has shown tremendous leadership in steering our subcommittee, setting an example of bipartisan cooperation and collaboration that, unfortunately, is too rare in Congress today, and, Chairman KOLBE leaves behind an impressive legacy as he prepares to retire.

Chairman KOLBE has overseen the largest increases in the foreign aid budget post-Cold War, understanding implicitly the key role foreign aid plays in maintaining United States national security. Under his stewardship, funding in the bill to combat HIV-AIDS has increased from $485 million in FY 02 to $3.43 billion in the mark before us today. Basic education has increased more than five-fold. I know he is particularly proud of his work on trade capacity building, as well as on shaping and promoting the Millennium Challenge Account.

Today, the last time Chairman KOLBE will manage the Foreign Operations bill during floor consideration, I do hope we can all take a moment to express our appreciation for the chairman's leadership and his friendship. This Congress and the American people are richer for his service to this body, and his departure will leave a void of intelligence, expertise, professionalism and decency that will not easily be filled.

Chairman KOLBE, you are really a great Member and a great friend. I think I speak for many of my colleagues when I say that it has been an honor and a pleasure to work with you.

I look forward to continuing to work with the chairman and with our Senate counterparts as the bill moves into conference. However, I think the bill before us today is a good product. I appreciate the chairman's leadership, the involvement of all of our subcommittee members and associate staff, of course, the hard work of our staff, as exemplified by Nisha Desai and Betsy Phillips celebrating their birthday here in this Capitol at about 1 or 2 in the morning. So we all say happy birthday. Happy birthday, Betsy.

We thank Beth Tritter, Craig Higgens, Rob Blair, Delia Scott, Lori Maes, Kevin Hernandez and Todd Calongne for their hard work in crafting this bill.

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

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I am very pleased today to rise in support of H.R. 5522, the Foreign Operations appropriations bill for fiscal year 2007. This is the seventh of 11 bills the committee plans to bring to the House floor before the 4th of July break.

I, too, want to take a moment to express my appreciation for the work of Mr. KOLBE, as well as Ms. LOWEY. These two people working together are a demonstration of the way Congress ought to work. The two of them working together does demonstrate for all of us that the best way to get this done is to set aside partisan differences where it is possible, but, most importantly, to promote the thought that the place works a lot better by working together.

I want to take a moment to give very special tribute to JIM KOLBE, as Ms. LOWEY did. JIM is presenting his last bill. It is a very, very impressive product, most impressive because it demonstrates truly one of our fabulous Members working on behalf of all of us and the country. JIM KOLBE is as fine a member as the Appropriations Committee has ever had.

The bill addresses critical issues, including the AIDS pandemic, global trade and commerce, anti-narcotics programs, and the Global War on Terrorism.

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Specifically, this bill provides a total of $3.4 billion in global assistance funds

to combat HIV/AIDS, tuberculosis and malaria, $752 million above last year's level, and the same as the President's request.

The bill provides $445 million for the U.S. contribution to the Global Fund to Fight AIDS, tuberculosis and malaria. These accounts are more than double the amount that was requested by the President.

The legislation also provides a record level of funding for the President's signature foreign assistance initiative, the Millennium Challenge Corporation. Total funding is $2 billion, $248 million above last year. That represents a budget increase in a very tight budget circumstance.

Mr. Chairman, I think it is really important for us to recognize the role that this bill has played on the global war on terror. We would not have been as successful as we have been in that effort if it had not been for the work of this subcommittee.

Mrs. LOWEY. Mr. Chairman, I yield 3½ minutes to the very distinguished member of the committee, Ms. KILPATRICK.

Ms. KILPATRICK of Michigan. Mr. Chairman, to Chairman KOLBE and to my ranking member, NITA LOWEY, who has shepherded this bill through the many years that I have been on the committee, through several chairmen and ranking members, I just want to say thank you very much for your leadership and for your cooperation, because it makes it easier for all of the subcommittee members when our Chair and ranking member work together. I want to thank you for that.

To Chairman KOLBE, as you enter your next life, sir, I just want to say thank you for your leadership, your compassion and your working togetherness that you have demonstrated as I have worked with you over these last many years. We are going to miss you in this body. I am sure your next opportunities will also enhance this body. So congratulations and good luck to you.

I stand in support of this bill. It is a bipartisan effort that we have worked together on for several months now. If we had more money, we could have done better. But we did the best with what we had.

Mr. Chairman, I am happy that the HIV account is probably funded higher than it has been ever under Chairman KOLBE and Ranking Member LOWEY's leadership and direction. HIV/AIDS is a pandemic in the world, and the U.S. is certainly doing our part. And I want to thank the administration as well as the Members of this Congress, both House and Senate, for standing by and making available treatment options so that people can have fuller, better lives.

Our Child Survival Account, which is not at the level that I would like to see it, but continues to help with malaria and TB and other kinds of illnesses across this world. We thank you for that. The assistance that this bill gives Liberia, as well as the Sudan, we had the President from Liberia here not long ago, President Sirleaf, who has demonstrated a new wave in Liberia. I am happy that this bill will continue to assist them.

The Darfur debacle that is currently under way in the Sudan, we have got to do more there. We have got to rise up as a Nation and offer the leadership of the United States to bring this decimation of millions of peoples and their lives and children to a rest.

I do not want to really get into it here, but there will be much debate about Egypt. I want to talk about it just a moment. I was able to go to Egypt a couple of weeks ago with our Chair and ranking member; I have been in that region before.

I come from the State of Michigan. Michigan has the largest amount of Arab Americans and Arabs in America in our part of the world through four of the Members of this Congress. Congressman DINGELL, CONYERS, KNOLLENBERG and myself share that population of Arab Americans in our districts, have been living with them for decades, and they are a part of our family and our population in southeastern Michigan, where two-thirds of the population of our State lives.

Egypt, the leading country in that part of the Middle East, is a friend of America. President Mubarak is the best friend we have in the region. There will be much debate about Egypt as we go forward. I do not want to get into the specifics right now, but I do want to say thank you to the chairman, there is a rescission of $200 million in the budget that was not spent.

So there is some attention paid to what is happening in Egypt. Egypt needs to be our partner, and they need to know that we support them. The rescission that the Chairman offered has now been ratified by the subcommittee and the full committee. It is a step to say that we are watching you, we are working with you.

Democracy in our region of the world is not the same as it is all over the world. I believe President Mubarak and his administration are doing what they can to maintain the stability in the region. So I believe this is a good bill.

And as we go throughout the day to debate the 20-plus amendments, pay particular interest to what is happening in the world. We are a leader. We deserve it. And we look forward to your support.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of H.R. 5522, the fiscal year 2007 Foreign Operations Appropriations Act.

First, I want to extend my best wishes to Chairman KOLBE for all of the work that he has done. He has done some tremendous work, extraordinary work. I think he has been an invaluable resource for the foreign operations end of things. So I just want to say, in addition he has always been receptive, been very responsive to Members' input on a very, very difficult bill.

Mr. KOLBE, I really appreciate having you around. I also want to wish you the very best in the future in whatever you decide to move into.

I also want to commend the ranking member, Mrs. LOWEY. Mr. KOLBE and Mrs. LOWEY, I think, have been a great team for this particular committee. I convey my best. You are not leaving obviously, Mrs. LOWEY, so can you stick around. But I convey the very best to her and the work that she has done.

We found common ground on a variety of issues, and together I think we achieved some pretty important results. I look forward to continuing that in the future.

Mr. Chairman, I want to thank the subcommittee staff for the hard work that they have performed in addressing the many issues in this bill. It is a testament to them that the bill runs through the process so smoothly every year despite the number of demands and challenges that they face.

Once again, Chairman KOLBE, his staff, Ranking Member LOWEY have crafted an excellent bill that balances all of the many priorities the United States has around the world. Our foreign assistance fosters democratic and transparent governments, promotes human rights and helps millions of people in need.

While less than 1 percent of our entire annual budget, foreign assistance serves as a main pillar of our foreign policy and is an integral part of our national security.

As always, assistance to the Middle East is the central part of this bill. It provides the full amount that the President requested for Israel, including both economic and security assistance.

It also provides $40 million for refugee resettlement in Israel. Just as importantly, it lays down the groundwork for this program in the future. It also provides no direct funding for the Hamas-infected Palestinian Authority.

However, it does provide limited humanitarian assistance under strict guidelines and checks to ensure absolutely no funding reaches Hamas.

Additional funding for Lebanon, Egypt and other Middle East countries is important to support reform efforts. It is particularly important to note the continued funding for the Middle East Partnership Initiative which further reforms the region.

Mr. Chairman, I am also particularly pleased that the bill provides $62 million in economic assistance to Armenia. I look forward to working with Chairman KOLBE to ensure that the final bill includes adequate funding for Armenia. This funding is especially important since Turkey and Azerbaijan continue to obstruct transportation and infrastructure routes into and out of Armenia with the intention of forcing Armenia into economic isolation.

The bill maintains parity in U.S. military assistance to Armenia and Azerbaijan, which is critical to the overall policy toward the South Caucasus.

There is also no chance in section 907 language with respect to Azerbaijan. The bill includes other important funding, such as $2 billion for the Millennium Challenge Corporation, which provides foreign assistance to specific countries if and only if they meet specific criteria. It also includes substantial funding to fight the scourge of HIV/AIDS.

Mr. Chairman, this is a responsible bill. It is the result of significant oversight. It is fiscally sound and it focuses funding on the priorities that will advance our interests. For all of those reasons, I strongly support the bill. I urge all of my colleagues to join in supporting this bill on the floor today.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY) for the purpose of a colloquy.

Mrs. MCCARTHY. Mr. Chairman, I want to talk for a moment about a radio station in Iraq called Radio Al Mahaba, which is giving Iraqi women a taste of freedom of speech. It is the first and only station for women in the entire Middle East and the only politically and religious independent radio station in Iraq.

This station started in April 2005 using a $350,000 grant from the United Nations Development Fund for Women. As we know, under Saddam Hussein, women lost not only vast employment opportunities, but also educational opportunities. The illiteracy rate of Iraqi women rose to a high of 75 percent, according to UNICEF estimates.

The recent changes in the social and political structure of Iraq have also been difficult on Iraqi women. The radio station was created in order to empower and educate women. When they started, they were broadcasting throughout Iraq, including in isolated areas discussing issues important to women, and also discussing the goals of freedom and democracy.

Unfortunately, insurgent attacks knocked out their main transmitter. In spite of that and a shoestring budget, the people who worked at the station continued on broadcasting in Baghdad. Last week their remaining transmitter, which was rented, failed.

However, with the help of the Iraqi Civil Society Program implemented by America's Development Foundation and funded by the U.S. Agency For International Development, it looks as though they may be able to rent another transmitter and get back on the air soon.

Of course, a more permanent solution is needed. They need a transmitter so they can again broadcast throughout Iraq and have a goal of reaching places like Iran. Iraqi women are fortunate to have this radio station, and it plays an important role toward achieving a free and democratic Iraq.

Mrs. LOWEY. I thank the gentlewoman for her interest in the issue, and I understand that Radio Al Mahaba has given Iraqi women the opportunity to exercise freedom of expression during a very confusing and dangerous time in their country.

I will look forward to working with my colleague from New York to support the continued operation of this vital resource. And I thank the gentlewoman for bringing it to our attention.

Mrs. MCCARTHY. Mr. Chairman, I thank the ranking member for her willingness to engage us in a colloquy.

Mr. KOLBE. Mr. Chairman, may I inquire about the remaining time.

The CHAIRMAN. The gentleman from Arizona has 11 minutes remaining. The gentlewoman from New York has 16½ minutes remaining.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me time and thank him for the job he has done on this very important legislation.

Mr. Chairman, this morning I had the privilege of joining First Lady Laura Bush, Ambassador Tobias, Dr. Kent Hill at an event announcing Malawi, Mozambique, Rwanda, and Senegal as the newest countries to be added to the President's Malaria Initiative, $1.2 billion over its 5-year program. Mrs. Bush also announced Admiral R. Timothy Ziemer as the new U.S. Malaria Coordinator.

I think Members should be aware if they are not already that every 30 seconds an African child dies of malaria moreover about 1.2 million people die each year, mostly in Africa, from this preventable disease.

The President's Malaria Initiatives (PMI) goal is to cut malaria deaths by 50 percent in 15 African countries and hopefully to also mitigate morbidity. The plan includes disseminating insecticide-treated bed nets, indoor residual spraying, life-saving drugs called ACTs, and treatment for pregnant women known as intermittent preventive treatment or IPT.

The money in this bill will advance this initiative and will now include four new countries. Let me also thank the chairman and the committee for modestly upping the amount of money to try to effectuate cures for those women suffering obstetric fistula.

The amount has now risen to $7.5 million. My hope is, and perhaps in conference, we can bump that up even further to $10 million. Two million women suffer from this debilitating condition, the result of which is incontinence. I have visited hospitals in Africa, and seen that for a mere $150 a woman's life can be given back to her through a surgical repair.

Obviously, there is also prevention, but there are these 2 million women who have a fistula today, and it seems to me we need to do even more to try to end their misery.

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Having met with many of these women, to see the smiles on their faces, having gotten their lives back, going back to their villages knowing that they will no longer be ostracized because incontinence obviously is not just a health hazard and leads to sickness, it results in very serious odor as well.

Let me remind my colleagues that anywhere from 50,000 to 100,000 new cases occur every year, and certainly if we were to increase our effort on obstetrical services, especially midwives in Africa, such an effort would go a long way to preventing this condition when an obstructed delivery or some kind of sexual trauma causes obstetric fistula.

I would hope the chairman would try to increase that number even further, and I thank him for what he has done.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Arizona.

Mr. KOLBE. The gentleman has identified a problem that we think is absolutely of critical importance. We have moved from, I believe, no money just in 2003 to 1 million to 5 million to $7 million in this year, so I think we are moving very substantially in this area.

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

I just want to respond to the gentleman from New Jersey. I appreciate your advocacy on this very critical issue. Many of us in the Congress on both sides of the aisle understand the urgency, and I do hope we can work together on the next step because these young women come there with this terrible, terrible problem and then they are repaired. And without contraceptive coverage, without family planning, they come back again and again and again. So I look forward to continuing the dialogue and I thank you for your advocacy.

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

Mr. ACKERMAN. Mr. Chairman, I appreciate this opportunity to engage in a colloquy with Ranking Member LOWEY and Chairman KOLBE.

The report accompanying H.R. 5522, the Foreign Options Appropriations Act, includes language encouraging the consideration of a proposal from the Gift of Life International for Project Iraqi Hearts, a program that will provide life-saving open heart surgery to Iraqi children that they cannot get at home.

I have been an advocate of the Gift of Life Program since 1983 when I worked with then-First Lady Nancy Reagan, to arrange for a young boy and girl from South Korea to come to the United States by way of Air Force One for a life saving open heart surgery.

Supported by 50 Rotary Districts every year, the Gift of Life International transports to the United States and surgically operates on over

a thousand children from all over the developing world. Through the efforts of our military personnel serving in Iraq, the Gift of Life has now identified at least 1,500 children that have been diagnosed as suffering from congenital heart defects that will be fatal if left untreated.

The Gift of Life has a terrific track record on our Nation's reputation in Iraq. It could certainly use a little boost from a program like this. While specific funds have not been set aside in the text of the bill, I would like the chairman and ranking member of the subcommittee to confirm their interest in the program and to reiterate their support through consideration of this initiative by the Department of State and USAID.

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

Mr. ACKERMAN. I yield to the gentleman from Arizona.

Mr. KOLBE. The report accompanying H.R. 5522 does indicate the committee's awareness of the Gift of Life International's Project Iraqi Hearts. It is an initiative that should be thoroughly explored. The ranking minority member and I are both committed to working with the gentleman from New York to ensure that this proposal gets careful consideration from the Department of State and USAID. Specific funds have not been set aside, but if review by State and AID show the program can deliver results that save lives, it would have the committees's strong support.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I certainly agree that this program should be thoroughly considered by the Department of State and USAID. It can save lives that would otherwise be lost, and advance our national interest by demonstrating the compassion of the American people. It deserves a chance to go forward. I look forward to working with the Chair and the gentleman from New York to ensure that Project Iraqi Hearts gets the attention and consideration it deserves.

Mr. ACKERMAN. Mr. Chairman, I thank the Chair and ranking member for their commitment to this initiative and I look forward to working with them to see if we can save some Iraqi children's lives through the Gift of Life Program.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), the distinguished vice chairman of the subcommittee, a very important Member who has contributed much to the work of this subcommittee.

Mr. SHERWOOD. Mr. Chairman, I rise today in strong support of the foreign operations bill for 2007. The legislation before us is a fair and fiscally responsible bill that sensibly promotes U.S. foreign policy.

I would like to commend Chairman KOLBE on a job well done. He is an effective leader with a strong work ethic, a balanced approach and a remarkable knowledge and command of the subject matter. I have learned a great deal from you, Mr. Chairman, as a member of your subcommittee. As you leave Congress, I wish you the kind of success and respect that you have earned here in the House of Representatives.

This foreign operations bill is a solid bipartisan piece of legislation that helps our government meet our objectives abroad and in turn make America more secure. The bill is $2.4 billion below the President's request, but in light of the many domestic needs here in the U.S., I agree with the chairman that the allocation is fair. Tough choices had to be made to fund our international priorities, and I believe he has made the right choices in setting these priorities.

The bill provides reasonable increases in assistance to our allies in the war on terror, the Millennium Challenge Corporation, and international health objectives that fight the spread of diseases such as AIDS, malaria, and tuberculosis. It provides funds for Afghanistan, including nearly $300 million for illegal drug interdiction and law enforcement. The increase in poppy production in Afghanistan is of particular concern to the subcommittee, and these funds are crucial in curbing this very real drug problem.

The bill also includes assistance for Iraq. I know it is a priority of the chairman to fund Iraq and Afghanistan assistance programs in regular appropriations bills and less in supplementals. We are one step closer to doing that in this bill. This bill before us is an important measure that successfully fulfills our commitments abroad and as a result makes America stronger and more secure. I ask for its full support.

Mrs. LOWEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank my ranking member and my friend from the State of New York for yielding me time.

Mr. Chairman, as a member of the Subcommittee on Foreign Operations, I want to thank our distinguished chairman, Mr. KOLBE from Arizona. It has been a great honor and privilege to work with you, sir, all of these years. We are going to miss you, your wisdom and your kindness and your sense of fairness. Thank you, sir, for all you have done for us and for our work. And to Ms. LOWEY, our ranking member, thank you for your leadership as the ranking member for bringing our priorities to the floor and our values. You are a tireless and effective advocate.

Mr. Chairman, despite an allocation from the Budget Committee that was lower than what we had hoped, we I believe on our subcommittee have accomplished a great deal and in a bipartisan way, such as providing funds for critical programs such as global AIDS and HIV programs, basic education worldwide, and economic and military assistance for many of our allies.

This assistance to our allies is important for three reasons: One, it improves strategic relations with important countries around the world who help guarantee America's security and the perpetuation of democracy and western values, countries such as the State of Israel, Armenia and Cyprus. It also provides humanitarian assistance for nations in need such as in the Sudan, Liberia and Haiti. It keeps our trade relations strong, promoting cooperation between nations that help us solve global problems and feed the world.

With regards to the environment, Mr. Chairman, I am concerned that the United States may not be doing enough under this bill to contribute to the international programs that protect the environment. The Global Environment Facility, or the GEF, is the single largest source of funding for programs that conserve and protect biodiversity and preserve habitats in countries around the world, from Bangladesh to Brazil.

In the roughly 15 years since its creation, the U.S.'s funding to the GEF has leveraged at least $14 for every $1 we have contributed, $14 for every $1 we have contributed. International conservation issues, Mr. Chairman, know no national boundaries; and I think the funding model of the GEF where our funding is matched many times over by other donors to solve problems that impact us all, is a smart, fair, and effective approach. Given the importance of the GEF to the global environment, I am concerned about the level of funding for the GEF in this fiscal year 2007 bill.

The administration requested $56.25 for the GEF in this year's budget, which the committee funded at the request level. But this is a 48 percent cut compared with the administration's own request last year. In the meantime, as our distinguished chairman knows, just this past Tuesday, the GEF adopted all of the reforms proposed by the Treasury Department associated with the fourth replacement of the GEF.

The U.S. negotiators have now committed our country to providing $80 million to the GEF in fiscal year 2007. An increase of $23.75 million over the President's budget. I certainly hope that in the conference, our distinguished chairman, our ranking member and the other people participating in the conference, will work to have this full $80 million committed by the Treasury in the conference report. This is vitally important to our Nation's and our world's environment.

I look forward to working with the chairman and the ranking member on this issue as we move forward towards the conference.

Mr. KOLBE. Mr. Chairman, I yield 2½ minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the committee.

Mr. TIAHRT. Mr. Chairman, I appreciate the gentleman from Arizona yielding to me for the purpose of a colloquy. I would also like to thank him for his service to the country. In his 22 years in the Congress, he has been a great subcommittee chairman and we appreciate his leadership.

Mr. Chairman, I also want to thank him for his foresight and inclusion for the Tiahrt amendment violation report language. I also appreciate his hard work as chairman of the subcommittee on this bill, which I support. As the author of this important amendment, which has been in law since 1998, I have grave concerns about the violations that took place in Guatemala, the confirmed fact that the violations went on for 3 years, and the amount of time it took USAID to notify Congress of the violations.

The purpose of this report language is to send a strong message to USAID that the law has been ignored and that Congress will not stand by and watch. We must be able to provide proper oversight. In order to do that the agencies that receive taxpayer dollars under the child survival and health programs fund, must adhere to the specifications of the law.

USAID has confirmed that bonus payments were paid to 12 referral agents at APROFAM, the Family Welfare Association of Guatemala, which is an international Planned Parenthood federation affiliate. Each agent had a target of bringing in 25 women for sterilization. The bonus payments were paid to the agents when certain quotas were met, and for some their salaries were almost doubled as a result. This violates two parts of the language of the law.

USAID found out about the violations and the bonus was stopped. However, the length of time concerns me. It took them 9 months to get the information from Guatemala to USAID to Washington, then another 60 days to get it to Congress.

We ought to be horrified that no less than 900 women that were sterilized by APROFAM over the span of 3 years, the bonus payment system was in place.

Mr. Chairman, I have heard of other possible amendment violations to the Tiahrt amendment in other countries, and I implore USAID to act quickly to investigate these in a proper and timely manner and to report to Congress.

I want to thank again the chairman for engaging in this colloquy and for his service to the committee and to the country.

Mr. KOLBE. Mr. Chairman, I want to thank my colleague from Kansas for his discussion on this very important subject, and certainly as the subcommittee was crafting this bill, we acknowledge how important these issues are.

□ 1415

I want to assure the gentleman that the committee will continue to pay close attention to the reports from USAID of possible and confirmed violations of this amendment. We also will work with the USAID to ensure the timely reporting of violations if, and when, they occur.

I thank the gentleman.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank our ranking member, Mrs. LOWEY. I want to commend her and Chairman KOLBE for their hard work and leadership on this bill, and I am particularly pleased that the subcommittee called for a higher allocation to Armenia than requested by the administration and would like to personally thank him for maintaining and providing the needed assistance to Nagorno-Karabahk.

The President's budget request called for 20 percent more military aid to Azerbaijan than to Armenia. That request was a clear breach of an agreement struck between the White House and Congress in 2001 to maintain parity in U.S. military aid to Armenia and Azerbaijan. Given the fact that relations between Armenia and Azerbaijan continue to be tenuous, it is imperative that the U.S. maintain a balanced approach. I am happy to see that the committee maintained that parity agreement despite the administration's request.

Unfortunately, the administration's budget also called for drastic cuts in economic assistance to Armenia, a nearly 33 percent decrease in humanitarian aid. Again, I was pleased to see the committee provided $62 million in U.S. aid for Armenia, representing a $12 million increase over the President's budget. The subcommittee also allocated $5 million for Nagorno-Karabahk.

I am also very pleased that the subcommittee rejected efforts by Azerbaijani's advocates to weaken section 907 restrictions on U.S. assistance to Azerbaijan. Section 907 of the FREEDOM Support Act remains a fundamental element of U.S. policy toward the South Caucasus. Because Azerbaijan continues its blockade of Armenia, section 907 is essential.

As the co-chair of the Armenian Caucus, I strongly believe that technical and developmental assistance and investment is essential to Armenia. This funding is imperative to democratic stability and economic reform. The dual blockades of Armenia by Azerbaijan and Turkey continue to impede Armenia's economic well-being.

Despite these blockades, Armenia continues to successfully implement economic and democratic reforms. However, as long as Armenia suffers from blockades on its east and west borders, continued and robust U.S. assistance to Armenia will be needed to help minimize their impact.

Thank you again to the committee and the subcommittee.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. ROYCE), a member of the House International Relations Committee for the purposes of a colloquy.

Mr. ROYCE. Mr. Chairman, I rise today to engage the chairman of the subcommittee, Mr. KOLBE, in a colloquy.

Mr. Chairman, as you know, on Tuesday the administration successfully concluded negotiations for the fourth replenishment of the Global Environment Facility, the GEF. These have been long and detailed negotiations that had been scheduled to be concluded last year. The GEF is an important international institution for protection of the global environment, and we should be pleased that negotiations have come, frankly, to a very successful resolution.

The Treasury Department, which conducted the negotiations on behalf of the United States, got, in essence, all of the reforms it demanded. These include the items mentioned on the report language accompanying the bill, including the two major changes proposed by the U.S.: first, plans to apply a resource allocation framework to the entire GEF portfolio of new projects by 2010; second, enhanced fiduciary standards for agents that the GEF works with, including a prohibition of new funding to agencies that do not meet the standards.

The agreement also resolved the other outstanding issues to our satisfaction: removal of language regarding arrears that were objectionable to the United States; a provision regarding expanding the number of agencies the GEF works with; a provision on institutional effectiveness; and a firm target for satisfactory outcome ratings for GEF projects.

Based on this outcome, the United States negotiators pledged a total of $320 million in U.S. contributions to the GEF over the next 4 years, $80 million a year, starting in fiscal year 2007.

I support the administration's new commitment to the GEF, and I urge the chairman to help the administration live up to this promise that has been made to the other donors to provide $80 million for the GEF in the bill that is ultimately sent to the President. The bill before us underfunds this commitment by $23.75 million and, as it stands, represents a 26 percent decrease in U.S. commitment to the GEF.

Mr. Chairman, we engaged, you and I, in a colloquy last year on the GEF, and you committed to work to secure funding at conference for the GEF if it completed reforms associated with the previous replenishment. The GEF did complete those reforms, and I want to thank you right now for your support last year.

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

Mr. ROYCE. I yield to the gentleman from Arizona for a response.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from California for the statement you have just made and

your commitment to the international environment.

As you pointed out, I have in the past supported the mission of the GEF. I had the opportunity to sit down with the CEO of the GEF, Mr. Good, to engage in some very good discussions about their reforms and also on their programs in the past.

I have in the past been concerned about the pace of reform at the GEF. Last year, the House withheld funding for the GEF because it had not completed reforms associated with the third replenishment when our bill came to the floor. There were subsequent agreements that allowed us, in the end, to fund the GEF fully last year.

It is my understanding the GEF has now adopted the reforms sought by the committee and the administration for the fourth replenishment. We will certainly take this into consideration when we meet with the Senate in conference on this bill. In order to facilitate this, I urge the administration to consider a budget amendment requesting additional funds should they decide that is appropriate.

I thank the gentleman again for his commitment to GEF and the environment and will work with him as the bill moves through the process.

Mrs. LOWEY. Mr. Chairman, since the time has expired, I will just say that I will be happy to work with him, too.

Mr. Chairman, I am very happy to yield 2 minutes to the gentleman from New York (Mr. CROWLEY), my good friend.

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman, and my friend and mentor, from New York for yielding me this time; and I want to thank her and Chairman KOLBE, another good friend, on another good bill coming out of this committee and proving once again, when it comes to the issue of foreign aid, we can work in a very bipartisan way.

This bill is of particular importance because it is the last for Chairman KOLBE, and I would like to commend Chairman KOLBE for his steadfast support of foreign aid and for what I believe will become your greatest legacy, the creation of a Trade Capacity Enhancement Fund. Time does not allow me to go into it in further detail, but I want to thank you for that.

This bill also includes $34 million to the United Nations Population Fund, but it has become a norm under this administration that restrictions on providing this important funding will not be released by the administration. The administration seems determined to hinder the health of women and children around the world.

While remaining troubled that this detrimental policy continues, there is much good in this bill, particularly when it comes to the issue of the Middle East.

I strongly support the funding included in this bill for Israel's foreign military financing and economic aid. We need to continue to ensure that our close allies are able to protect themselves and remain a strong and viable state.

While I support our ally Egypt, there are issues that we in Congress must address. I understand that the Egyptians are concerned about how we disburse the aid to them, but it is important for them to understand what we expect of our partner.

The government of President Mubarak has shown that it is quite quick to throw dissidents into jail, discriminate against the Coptic minority, tolerate anti-Semitism and anti-Zionism in the official press, throw gay Egyptians into jail.

The United States must do more to help end this dangerous mix, and before the problem becomes more unstable.

There is more I would like to say about the issue of Egypt that time does not permit, but also the country of Pakistan, another country I have been concerned about for quite some time; and I am glad the Appropriations Committee recognized the internal problems within Pakistan. The reductions in ESF and FMF should send a strong message to Pakistan that it cannot use the war on terror as an excuse to repress their people.

With that, I urge my colleagues to support this worthy legislation.

Many of us in Congress have strong concerns about our partners in the developing world's capacity to handle free trade agreements with the United States and this new fund will help to solve many of those issues.

This new fund will provide the much needed assistance to our FTA partners who need increased assistance with labor and environmental standards.

My hope is that this new fund will create the environment where we will not have to repeat the divisive CAFTA battle.

We should all be doing what we can to support free trade to benefit these emerging democracies.

We must recognize that building stable societies must start at the grassroots level and that is why I was pleased to see that this new section of the program will receive $6 million.

We need to redouble our efforts to make sure while we move peace along at the top levels we don't forget to focus on the people who will truly make a lasting peace.

Egypt has been a strong friend and ally and has done much to help bring about a peaceful solution to the Israeli-Palestinian conflict but we cannot allow that to cloud our judgment.

Egypt should expect more from themselves, if they want to compete in today's world and move forward with the reforms they have outlined.

Pakistan is another country I have been concerned about for quite some time and I am glad the appropriations committee recognized the internal problems with Pakistan.

The reductions in ESF and FMF should send a strong message to Pakistan that they cannot use the war on terror as an excuse to repress their people.

This is a strong bill that will help our friends and allies and I urge all of my colleagues to support this bill.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER) who has been one of the strongest advocates for clean water in the world, and we thank you for your important work.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak and for her kind words and for the work that she and Mr. KOLBE have done in this important bill, fashioning, I think, something that is very, very good, given the minimum amount of money they have been given.

Across the world, this bill will enable the United States to cooperate with other donors, to partner with people in extreme poverty to improve their lives and well-being; but, Mr. Chairman, I am hopeful that we can do a little modification to make this difficult bill a little better.

During consideration here, I will be offering an amendment with the gentleman from Iowa (Mr. LEACH) to increase the Development Assistance Account by $250 million in order to support these smart investments to reduce poverty of the 1 billion people around the world who live on less than $1 a day, the children who will die every 15 seconds because they do not have access to clean water and sanitation.

The proposed increase would be offset by a reduction in equal amount from unearmarked funds in the Foreign Military Financing Account. This will not affect the almost $4 billion that is set aside for Israel, for Egypt, Jordan, or Colombia.

Mr. Chairman, the American people overwhelmingly support these investments to fight against global poverty. Recently, the Program on International Assistance Policy Attitudes found that 65 percent of the American public would support significant increases in U.S. assistance to fight poverty and disease.

This amendment will represent an all-too-rare occasion in this Chamber for bipartisan cooperation to shift money away from what are largely repressive regimes for unnecessary military assistance and put it where it will make a difference, saving the lives of poor families and especially their children around the world.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentlewoman for yielding, and today I rise in strong support of the 2007 foreign operations appropriations bill.

I want to acknowledge the fine work done by the chairman, Mr. KOLBE, who I had the honor to travel to Indonesia with as part of the House Democracy Assistance Commission and also the superb work done each and every day by our ranking member, NITA LOWEY. We are very grateful for your fine work.

There is a lot to applaud in this bill, and I want to recognize a couple of

areas worthy of specific mention, funding in Darfur and funding for the state of Israel among others; but before I do, I want to express my regret and concern about the fact that this bill is still $2.38 billion below the President's request. That significant cut in foreign assistance, given all the problems around the world, should be concern to all of us. Some of the areas of particular significance that have been cut: refugee assistance is being reduced; debt relief is being cut; peacekeeping is being reduced. The Peace Corps funding is being reduced. Funding for democratization efforts in Eastern Europe and the former Soviet Union countries is being reduced. Global environmental facility funding and economic support funds, all those are being reduced from the President's proposed budget at a cumulative cost in cuts in those areas and others of $2.3 billion; and that is, I think, a considerable concern.

In other areas, I want to acknowledge and applaud the work that we are doing in Darfur and the Sudan. More needs to be done. At least 300,000 people are estimated to have died in Darfur in what has remained a largely neglected tragedy and genocide. Currently, more than 3.5 million Darfurians depend on international aid for survival. Another 2 million have been driven from their homes. The $450 million in humanitarian relief efforts to the Sudan provided in this bill will help meet this rapidly growing need and lend credibility to American calls for other countries to follow our example.

I also applaud the legislation for the groundwork it does for vital improvements in global health and AIDS funding which also are very significant.

Again, I congratulate our Chair and our ranking member for their superb efforts.

□ 1430

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield to the distinguished gentleman from Wisconsin (Mr. KIND) 1 minute.

Mr. KIND. Will the chairman be kind enough to yield me his 30 seconds?

Mr. KOLBE. If I am correct, I think I have 30 seconds remaining, and I will yield the balance of my time to the gentleman.

Mr. KIND. Thank you, Mr. Chairman, and I rise to enter into a colloquy with the chairman.

I rise to express appreciation for the very clear direction provided in the committee's report to the Agency for International Development with regard to the continuation of the East Central European Scholarship program in Albania and Macedonia. Over the last several years, I have become very familiar with this highly effective program because for more than a decade, the University of Wisconsin-La Crosse, through this program, has been able to provide training to some 300 financial managers from all the participating program countries.

The program has provided the managers training with bank risk management, financial management, and supervision of financial institutions, all of which are critically important to stable market economies. This training has helped create financial sectors with improved protections against corrupt and fraudulent activities and has facilitated integration by these economies with the broader European economy.

As the chairman may be aware, however, USAID has not been responsive to the committee's views with regard to the program, as laid out in recent earlier reports. With that in mind, I would appreciate getting the chairman's assurance that the subcommittee will follow up on this excellent report language to impress upon the agency the seriousness of our congressional intent here.

Mr. KOLBE. I appreciate the gentleman from Wisconsin's comments and strong support for ECESP. We will have those discussions with USAID to emphasize the importance of continuing ECESP activities in Albania and Macedonia this fiscal year to shape future utilization of ECESP's expertise.

Mr. KIND. Thank you, Mr. Chairman, I appreciate that; and I, too, want to echo the sentiments and the appreciation for the gentleman's many years of fine service to this body, this institution.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have made this point several times before during the appropriations cycle, and I want to put Members on notice one more time. I think the record is pretty clear that the minority has cooperated at every step of the way on every appropriation bill before this House so far this year. We have facilitated time agreements, we have persuaded our own Members to stifle themselves and reduce the amount of time they take on amendments, we have asked numerous people not to introduce duplicative amendments, and we have, in general, worked as a willing partner with the majority to see to it that this House proceeds in an orderly fashion.

I have had only one requirement. I do not believe that major issues affecting the expenditure of taxpayers' dollars should be decided in the dead of night, and I do not believe that this House has any business voting on these major issues at 11, 12, or 1 o'clock in the morning. It is clear to me that that is what is going to happen on this bill.

I intend to support this bill, unless two amendments that are pending do not pass. But if that happens, I intend to support this bill. But I do not believe that it serves the interests of this country to be passing this legislation or dealing with major amendments thereto in the midnight hours.

So I want to put every Member on notice. I am perfectly willing to agree to a unanimous consent agreement that enables us to get a substantial way through the consideration of this bill. I would love to see it finished tonight. If it can, by a reasonable hour, no one will be happier than I. But I do not intend to cooperate in a process which pushes all of these votes into 11, 12 or 1 o'clock votes.

We saw that on prescription drugs, we saw that on major tax bills, we have seen that on several appropriation bills last year, and I do not intend to allow that to continue without doing everything I can to prevent it. We can either proceed in an orderly fashion, in a way which is reflective positively on what is supposed to be the world's greatest deliberative body, or we can run a death march where we hide most of our major actions after midnight.

I don't intend to participate in the latter. I will be happier to cooperate in the former.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 5522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $988,000, to remain available until September 30, 2008.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I won't take that much time, but let me just respond to the gentleman from Wisconsin and let me just say that he has been very cooperative, and I appreciate very much his cooperation in trying to work out some time limitations so that we could work our way through this bill in an orderly fashion, and hopefully in a timely fashion, and get everybody home at a reasonable hour.

With the number of amendments that we have, it does not appear that we can get any kind of a unanimous consent agreement that would allow us to finish the bill by the time that the gentleman has said that he would prefer us to be out and not considering major issues of appropriations of taxpayers' dollars after the hour of 10 o'clock at night.

So it is beyond my pay grade at this point to decide how we proceed, whether or not we do agree to a unanimous

consent agreement to have some limitation on the time of amendments and stop at a reasonable time tonight, or whether we simply plunge on through without any kind of agreement and get as far as we can tonight, which will certainly be much shorter, but we will not get nearly as far or nearly as fast.

So I am hoping the leadership, that is not on this floor at this time, will shortly be able to come back to us with some understanding of how we are going to proceed, and I hope we can just move on and do the reading, and we will get to amendments as we can here.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2007.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $26,382,000, to remain available until September 30, 2010: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2025, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2007, 2008, 2009, and 2010: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $75,234,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2007.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LYNCH:

Page 4, line 10, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

Page 38, line 20, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Mr. KOLBE. Mr. Chairman, I am prepared to accept the amendment being offered by the gentleman from Massachusetts, if the gentleman would be prepared to proceed in that way.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes on his amendment.

Mr. LYNCH. First of all, Mr. Chairman, I want to thank Mr. KOLBE for his great work on this bill, and also Ranking Member LOWEY. I will not take the 5 minutes that I am allowed under the amendment process, but I do want to take a few minutes just to talk about what is going on here.

Mr. Chairman, the amendment that I have offered proposes to confront the related threats posed by improvised explosive devices, also known as IEDs, as well as land mines, which are being used against our men and women in uniform and against innocent civilians in both Afghanistan and Iraq.

My amendment seeks to accomplish this by dedicating $5 million for the State Department account for nonproliferation, anti-terrorism, demining, and related programs. This $5 million will be offset by shifting the same amount from the Export-Import Bank's administrative expense account, which is currently funded at $72 million.

Mr. Chairman, like a lot of Members on both sides of the aisle, I have recently returned from my fifth visit to our troops in Iraq and I have also spent some time in Afghanistan. On all of my visits to the region, I have been accompanied by strong representation from both parties, and one issue that has emerged and has grown more lethal is the threat to our men and women in the military, to nongovernmental agencies, to coalition contractors, to the press, and to innocent Afghani and Iraqi citizens is the threat posed by these so-called improvised explosive devices, or IEDs.

While some IEDs are triggered remotely with basic electronics, such as portable phone stations or garage door openers, in many other cases, we are finding that these IEDs are being triggered by a simple contact strip concealed within a narrow section of split holes that is concealed in cracks in the roadway or have been covered by a thin layer of dirt just below the surface of local roads. They can be detonated by pressure of a passing vehicle or with as little pressure as a child's footstep. These latter types of devices are much more similar in their nature and use to land mines.

Moreover, as time goes on and as the casualties grow, we are finding that many of the land mines previously planted by Saddam Hussein and the Taliban in Afghanistan have been recovered by the insurgents and are now being retrofitted to serve as components in these more lethal IEDs.

Like most of my colleagues, Republicans and Democrats, I have made more than a few visits to Walter Reed Army Medical Hospital. We have all seen the devastation and the damage and suffering that these IEDs have brought to the very best Americans and their families. In my last visit with General Casey in Baghdad, he estimated that approximately 50 percent of our monthly casualties in Iraq are the result of these IEDs. So the importance of what we are doing here, reducing these threats, should be obvious to everyone.

In closing, with today's news that Abu Musab al-Zarqawi has been eliminated and the last of the new Iraqi ministers has been selected, it is my greatest hope that we have now reached a point at which we can begin to transfer governing authority and responsibility to the new Iraqi government and to bring our troops home. But regardless of the rate of progress, these armaments will still remain a lethal threat to our troops and to innocent civilians. By transferring this money, this $5 million, we can expedite the process of recovering and disposing of these lethal land mines and potential IEDs before additional life and limb is lost.

I do appreciate the courtesy that Chairman KOLBE and Ranking Member LOWEY have afforded me, and I am thankful that they have accepted this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 4, line 10, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

Page 5, line 6, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

Page 19, line 22, after the dollar amount, insert the following: ''(increased by $2,000,000)''.

Mr. KOLBE. Mr. Chairman, I would just rise to say that I am prepared, if the gentlewoman will keep her remarks very short, to accept this amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from California for 5 minutes.

Ms. MILLENDER-McDONALD. I do recognize that. Thank you so much, Mr. Chairman. We will miss you sorely on this committee and the work that you have done, along with our distinguished ranking member.

Today I do offer this amendment that addresses one of the greatest atrocities of the 21st century, and that is the trafficking of men, women, and children for forced labor and sexual exploitation.

The Economic Support Fund operates to provide financial assistance for various developmental programs worldwide, including 266 programs to eradicate human trafficking. These programs are designed to present a multifaceted defense against the various and varied crimes that comprise human trafficking.

We know that this year the committee has provided $8 million for the use of this program. That is a start, but it is less than what the President has suggested in the program. Of course, I am proposing a modest increase of $2 million. This amendment offsets the increase by those things that have been outlined in the amendment.

It is not enough that we pay lip service to this problem, we actually have to lead the 21st Century Abolitionist Movement against modern day slavery. I am very happy to present this amendment. We know that human trafficking affects an estimated 800,000 persons each year, and 80 percent of those victims are women and children.

I am happy that the ranking member joined me on the trip to the United Nations to address these atrocities, and so I am so happy that the chairman and the ranking member have accepted this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OVERSEAS PRIVATE INVESTMENT CORPORATION

NON-CREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $45,453,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $20,035,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2007, 2008, and 2009: *Provided further*, That funds so obligated in fiscal year 2007 remain available for disbursement through 2014; funds obligated in fiscal year 2008 remain available for disbursement through 2015; funds obligated in fiscal year 2009 remain available for disbursement through 2016: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Non-Credit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,300,000, to remain available until September 30, 2008.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2007, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,565,613,000, to remain available until September 30, 2008: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $350,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: $356,400,000 for child survival and maternal health; $25,000,000 for vulnerable children; $346,621,000 for HIV/AIDS; $287,592,000 for other infectious diseases; and $350,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: *Provided further*, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $200,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the ''Global Fund''), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds appropriated under this heading, may be made available for a United States contribution to The GAVI Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the United States Agency for International Development'' for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contributions under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4)

the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,294,000,000, to remain available until September 30, 2008: *Provided*, That $365,000,000 should be allocated for basic education: *Provided further*, That of the funds appropriated under this heading and managed by the United States Agency for International Development Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than $15,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: *Provided further*, That such funds may not be made available for construction: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $42,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence: *Provided further*, That of the funds appropriated under this heading, $10,000,000 may be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: *Provided further*, That not less than $20,000,000 should be made available for rural water and sanitation projects in East Africa.

□ 1445

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BLUMENAUER:

In the item relating to ''DEVELOPMENT ASSISTANCE'', after the aggregate dollar amount, insert the following: ''(increased by $250,000,000)''.

In the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', after the aggregate dollar amount, insert the following: ''(reduced by $250,000,000)''.

Mr. BLUMENAUER. Mr. Chairman, the amendment I am offering today, along with Mr. LEACH from Iowa, the chairman of the International Relations Subcommittee on Asia, will increase the development assistance account by $250 million in order to fund clean water and other anti-poverty programs. This increase will be offset by an equal amount of unearmarked funds in the military foreign financing account; and as such will not, and I want to emphasize this, will not impact the military aid to Israel, Egypt, Jordan, or Colombia.

Over the last few years, it has become increasingly clear to people of every political stripe that we live in an interconnected world. How people in other countries live affects how we are secured at home, whether we are impacted by diseases like avian flu that thrive in poverty, whether our economy grows and creates more and better jobs.

By investing in poor people around the world, we invest in global economic growth, the kind of thing that will have a clear effect on our own economic future. It is also helping responsible governments get stronger, offering their own people a better future, and a smart investment in our own security from terrorism to bird flu. The capacity of responsible governments to partner with the United States in tackling these shared challenges is critical to our security at home.

Across the world, people living in extreme poverty are working, are struggling to improve their lives; but a billion of them live on $1 a day or less. It is critical that we expand our programs to help them in this work.

There is no doubt that the record of previous development efforts, including foreign aid, has been uneven; but the fact is we are getting better at it. We know what works. There is a global partnership that has emerged that does have a measurable, positive impact on growth in poor countries.

Thankfully, we now have the very best ideas of what kinds of steps are effective in providing the best returns in fighting poverty. The best tools, luckily, are simple: targeted programs to provide clean water, health care, improve agricultural productivity, and support good governance. This is not rocket science, as they say; but these are things that work.

Time and time again we have made commitments to fight against poverty, and we must now put those commitments into action.

In 2000, we joined with over 190 countries in committing to a series of ambitious targets called the Millennium Development Goals, including cutting in half the people living in extreme poverty by 2015. There are a series of other initiatives that have taken place to try and make sure that the rich countries of this world invest 0.7 percent of their gross national product in anti-poverty programs.

Currently, there is only one country in the world of the rich, developed countries that does less than we do in this regard. We spend less than 0.2 percent. It is time for us to live up to the commitments we have made. This amendment is a simple way to do it.

In fact, this is supported by people across this country. The Program on International Policy Attitudes at the University of Maryland found that two-thirds of the American public supports significant increases for our foreign assistance. It shows majorities of both Republicans and Democrats supporting increasing our investments.

Now, there are consequences for our lack of leadership. Mr. Chairman, every 15 seconds a child dies needlessly from waterborne disease. Half the people who are sick today around the world are sick needlessly because of a lack of fresh pure water and sanitation.

This is within our capacity to make a difference, and there is no great philosophical fault line. Indeed, Girl Scout troops, churches, synagogues, your local Rotary Club may well have been involved with these efforts; and they support these approaches and can do something about it.

This amendment would allow the House to decide if $250 million is better served by investing in people through good governments, health and economic development, or selling more weapons around the world, often to countries with questionable human rights records.

The most recent year that I surveyed showed that half the money that we gave for military assistance went to countries that the State Department ruled were not democratic. I strongly urge the adoption of this amendment to be able to realize this bipartisan objective.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an example of the kind of amendment that we are going to hear a great deal about this afternoon and this evening. It is the kind of amendment that if the world were different, if we lived in a world

with unlimited resources, it would be wonderful to say ''yes'' to an amendment like this.

But, of course, we do not live in a world of unlimited resources. As described in general debate, the allocation for our bill is $2.4 billion below the amount requested by the President, and certainly lower even than what all Members would like to see in the bill.

We have $1.29 billion for development assistance. That is $12 million above what the President requested. So in this particular area, despite the fact that we are $2 billion below the President's request, we have actually exceeded the amount in this area. It is equal to the amount we provided in fiscal year 2006 once you adjust for the trade capacity funds that have been moved to the new account.

We have some very tough choices that we have to make in this bill, and yet we have provided at least steady funding levels for the Development Assistance Account.

Now, the difficult part of this amendment is where the money comes out of. The gentleman says it is more important to provide safe drinking water than it is to make military sales to other countries. I would agree with that statement certainly when it is phrased that way. But I think it is important, and the gentleman understand, that of the $4 billion that we have in our bill for military assistance, foreign military financing, all but $900 million is designated for countries. It is designated to Egypt, Israel, Jordan and some for Colombia, and a couple of other countries. But there is only $900 million that is not designated.

The gentleman's amendment takes this money out of it, but does not touch the earmarks, of course; and so it comes out of that $900 million that is left. What he is doing is taking the money away from a handful of countries which would absolutely decimate the handful of countries left. You would be talking about taking away the small amounts of money that we give to such countries as Armenia, the substantial amounts that we give to Pakistan, Turkey, the small amounts that we give to countries like Liberia and Ethiopia. All of it would come out of the funds that go to those countries, which money is important, very important in terms of their security, very important in terms of their international obligations. In many cases, it goes for things so those countries can meet their international obligations towards peacekeeping forces.

So the amendment is going to reduce funding out of 68 small country programs which would have to be cut by 50 percent or more in each of those cases in order to accommodate the gentleman's amendment. I think to do this would be absolutely irresponsible on the part of the House of Representatives, and we should not allow this to happen.

Let me conclude by saying what we have done on water programs in this legislation. We have directed the U.S. Agency for International Development to provide not less than $50 million from the development assistance accounts to build wells in rural areas and to secure water systems in urban areas of Africa and communities that lack access to fresh water.

In addition, we have language, bill language within the Development Assistance Account, that mandates $20 million specifically for water programs in East Africa, and that of course is where we know the need is the very greatest.

These directives, these mandates, will double the fiscal year 2006 allocation for Africa in the Development Assistance Account. No one, certainly not the least of whom is me, doubts the need to provide clean, safe water for drinking around the world. I believe this bill as presented to the House helps us deliver on that promise.

Does it do everything we would like it to do? No. But in so many other areas, this bill so necessarily falls shorts, as do other appropriations bills.

This amendment is not the right way to proceed and the consequences for the small countries that rely importantly on our foreign military financing programs and are affected by this reduction would be absolutely drastic. I would urge my colleagues to defeat this well-meaning amendment, but with consequences that are quite dire to the effect of this bill.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in reluctant opposition to this amendment, and I associate myself with the remarks of Chairman KOLBE. I understand and support what the gentleman from Oregon seeks to accomplish; but I believe passage of this amendment would upset the delicate balance of funding we have achieved in this bill on a bipartisan basis.

It would also severely disrupt foreign military financing programs that are a key part of our overall national security strategy.

I was pleased that the fiscal year 2006 foreign operations bill included a $200 million earmark for drinking water supply projects in the developing world, and I understand that USAID will indeed meet that earmark in this current fiscal year. As we have not reduced development assistance funding below the 2006 enacted level, and have not reduced disaster assistance significantly from the enacted level, I am confident this bill has room to at least meet the 2006 earmark for water supply projects.

As I said, the potential effect of the gentleman's amendment, and the chairman referred to that, would be to cut nearly in half the 68 unearmarked recipients of foreign military financing. So I am very concerned, but I hope to work with the chairman and the gentleman from Oregon in conference to ensure a high level of funding is earmarked for water supply projects.

In the meantime, I reluctantly urge my colleagues to oppose this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize that there are some problems associated with this amendment. And if it were adopted, I think there would have to be substantial rejiggering of the allocation to the subcommittee. But I just want to make an observation, nonetheless.

With the passage of the defense appropriations bill, we will have spent $450 billion on the dumbest war since the War of 1812, that war being our involvement in Iraq.

The conferees on the supplemental two nights ago, despite the fact that there were two Senate votes and one House vote which put into that bill a declaration that the Congress was in opposition to creating permanent bases in Iraq, despite that fact, the conferees dropped all three of those.

□ 1500

So we are now in the position where the Congress of the United States will not even take a position that we don't want permanent bases in Iraq. Now, I know there are some people in this Chamber who don't want us to pull out immediately. There are a lot of people who don't want us to do that. But, certainly, the only other option isn't to stay there forever, but that is what is being implied if we accept these permanent bases in Iraq.

Imagine how our influence in the world would be transformed. Right now, since our invasion of Iraq, we are at an all time low in terms of American popularity in every region of the world. Imagine how our popularity would be transformed if we said that, instead of spending $450 billion on a stupid war, imagine how the world would look at us if instead we said we were going to take 1/10 that amount and use it to make certain that every single one of God's creatures who we could reach in the next 10 years would finally have access to water that doesn't make them sick and doesn't make a lot of their kids die. America would be transformed, at least our image would be transformed, into actually living up to our Judeo-Christian principles. Wouldn't that be a shocker?

So I recognize that there are technical problems associated with the gentleman's amendment. But just because my heart moves me on that subject, I am going to vote for it. And if it means that somebody somewhere is not going to get all the weapons they have been planning on, isn't that too bad.

Mr. LEACH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment which Mr. BLUMENAUER and I are offering is a transfer amendment. $250 million would be taken from the unearmarked section of the Military Assistance Account which exceeds the Development Assistance Account by approximately a three to one margin. These resources

would then be applied to clean water and other poverty alleviation programs.

In our interactions with the world, the U.S. basically only has two options. We can emphasize our capacities to project military might and be a global policeman, or we can emphasize our humanitarian concerns and be a global doctor or engineer. There are times that the policeman's role may be compelling, but I am hard pressed to think anything except that in the long run, American leadership in the 21st century will be judged on whether the United States chooses to be a super-humanitarian power rather than principally a military interventionist.

One of the myths of our time is that realism is about might. Actually, realism is about the human condition. It is the human condition that must be improved if national security is to be strengthened. Impoverished nations are breeding grounds for radicalism. Where there is no hope, there is nothing to lose. There is no restraint on violence.

Thus, the approach contained in this amendment is to address the daily concerns of the 3.7 billion people in the world who lack access to clean drinking water and adequate sanitation. These people are exposed to sicknesses like giardia, guinea worm, shistosomaisis, and diarrhea on a regular basis. Hundreds of millions of people, including one in every five children in the poorest countries of the world, die simply because there is no clean water.

Mr. Chairman, our priorities must be recalibrated. It may be true that the militaries of several poor countries will not be as advantaged, but the family of man will clearly benefit.

Mr. SWEENEY. Mr. Chairman, I move to strike the last word.

Let me start by saying as a member of the committee I really appreciate the work of the chairman and the ranking member. I know the very difficult choices that had to be made under an extremely tight budget and extremely tough year in making those decisions. And I rise in opposition to this amendment somewhat reluctantly because I agree with some of the prior speakers and the need to look at the priority of water and the needs of water throughout the Nation as a means of expanding United States influence in a very positive way. We do it in this bill; we do it as best we could in fitting in some of the other priorities they have.

And why I rise in opposition to this amendment is because of its effect. As has been pointed out already, it cuts everything, but from the designated funds, the earmarked funds. It cuts $250 million that I think will critically imbalance United States relationships in some places. For example, it cuts from some of the African nations that I think desperately need the support that would be given in the MFM fund.

And as an Armenian American, I want to point specifically to the effect it would have on Armenia and the fact that it would cut $68 million in assistance, economic and border security assistance to Armenia, which I view in large part is in this bill in order to balance out some of the challenges that fledgling nation has with its neighbors in Turkey and Azerbaijan; and in part, in recognition, which we have failed in this Congress to do as of yet, and in this Nation, to recognize the Armenian genocide of the past century and its impact on that nation's history.

And so I want to salute the chairman and the ranking member for trying to find that delicate balance and striking it here in this bill. And while I applaud the sponsor of the amendment and his intentions and hope that we can work in future years to do even more as it relates to providing water, I think the impact of what this bill does in terms of offsetting those funds would have too detrimental an impact. Therefore, I would urge my colleagues to object.

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

Mr. SWEENEY. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. I just want to clarify in my own mind. I heard Mr. KOLBE say that the effect of our amendment, there were about 900 million, if I heard him correctly, that was unallocated at this point. There is some report language in there that talks about where it might go.

According to the information I have, there is only $7 million that has been identified in report language for Armenia and Azerbaijan, and there is over a quarter billion dollars that is completely undirected. So I am wondering where the $70 million figure came from that you are citing here that our amendment would impact.

Mr. SWEENEY. Well, the amount for Armenia, as is being explained to me by the chairman, is about 7 percent. So if I said 7 million, then I misspoke out of MFM. But the total impact, as I understand it, of the taking of the 250, about 50 percent would be to lose the 68 million that was intended to be sent to Armenia for the border security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $348,800,000, to remain available until expended, of which $30,000,000 should be for famine prevention and relief.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 14, line 1, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Page 19, line 22, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

Page 20, line 3, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

Page 32, line 7, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

Mr. OBEY. Mr. Chairman, I am offering this amendment on behalf of myself, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and the gentleman from Texas (Mr. AL GREEN).

For some time, Mr. Chairman, I have been troubled by the repression of political freedom in Egypt and the lack of democratic reform. But in light of the historical role that Egypt has played in the region and the continuing stability that Egypt brings to an increasingly troubled region, I have appealed for patience and moderation in efforts to alter Egypt's aid package.

I chaired this subcommittee for 10 years, and during that time I was responsible for providing over $20 billion in military and economic aid to Egypt. In the years since, I have helped to fend off amendments that sought to cut or restrict aid to Egypt.

Last year, during the Full Committee consideration of the bill, I offered an amendment that earmarked some of Egypt's economic aid for democracy purposes, a move that allowed Congress to fend off yet another attempt to restrict the military aid. But in offering that amendment, I gave notice to the government of Egypt that my patience, and the patience of the American people, was wearing thin, and I hoped and expected that the government of Egypt would get the hint and make some moves to loosen its grip on political freedom and democratic reforms.

Instead, I am sad to say, we have gotten backsliding on municipal elections, an extension of emergency laws, repression of judicial freedoms and a crackdown on demonstrations and rallies.

Most recently, we have seen the appellate court in Egypt reject the appeal of Ayman Nour, a political opponent of President Mubarak who was conveniently arrested just prior to last year's presidential elections.

Hundreds of demonstrators have been arrested and jailed in recent weeks, many of them young kids in their teens and 20s who have been beaten and bullied. Reporters have been roughed up and intimidated.

Just this week, the government of Egypt suspended the work of the International Republican Institute in Egypt after the IRI country director criticized in an interview the pace of reform as being too slow.

Now, I am not a naive peddler of global democracy. I am not preaching that we hold elections all across the Middle East and call it a day. I understand that the very free and fair elections in the West Bank in Gaza have resulted in a disastrous consequence for the peace process through the election of Hamas.

But I do fear that Egypt is heading toward a precipice. What is happening in Egypt, Mr. Chairman, is that the government is systematically fencing in and squeezing out its moderate opposition. And if they continue to do that, they are going to wind up with the only viable opposition being the Muslim Brotherhood, the most radical of the forces in the country. That will be disastrous for Mr. Mubarak. It will be disastrous for his government. It will disastrous for the American people, and it will be disastrous for the entire region.

I consider myself a lifelong friend of Egypt, and I have taken a lot of heat on this floor through the years for taking a number of actions that supported Egypt and the rest of the Arab world, sometimes even when I differed with my friends who were supporting various provisions for Israel.

But it seems to me that if you are a friend of Egypt, you will try to make them understand that they are endangering their ability to have a peaceful transfer of power when Mr. Mubarak leaves office.

Now, I have met Mr. Mubarak's son. I understand that Mr. Mubarak would like to see his son succeed him. I am very impressed by his son. I happen to think he would probably be a good leader. But he is not going to get the chance for very long if the moderate opposition in that country is systematically jailed, beaten up and wiped out, because then you will have only the most radical extreme elements left.

So what we are doing in this amendment is to cut $100 million out of the Economic Support Fund, and we are moving 50 million of that to help refugees in the Sudan, and we are moving another 50 million of it to provide increased funding for the President's HIV/AIDS initiative. I am not doing this out of anger at Egypt. I am doing this out of a deep and abiding concern for the future of that country.

I respect Egypt. I think the people of Egypt are a wonderful people. And I think that Mr. Mubarak has done many constructive things that have been in the interest of peace in the region and have helped promote our own national interests as well.

□ 1515

But I am speaking as a friend, and I am saying this Congress has an obligation to recognize the problem and to act before it is too late to salvage the situation.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do rise in opposition to this amendment, and I say so with the greatest respect to my colleague DAVID OBEY. Often on this floor, we say things about each other and we say things because it is the oil that helps make this place move forward, but I do have the greatest respect for him and I believe he has been a great part of this institution, it has been a privilege to serve with him. We just differ on this amendment. We had a very good debate in the full Appropriations Committee on this, and I hope the debate this afternoon will be as constructive and as good as the debate that we had in the committee.

We both agree that Egypt should strive toward greater democracy and greater freedoms, and I believe the approach taken by this amendment is the wrong approach.

Mr. OBEY suggests that we would take $100 million of funding in economic support funds from Egypt. The intent is to take these funds from the amounts that are designated as budget support for Egypt. These are the funds that are transferred to Egypt when it successfully completes certain financial sector reforms. In other words, we have put benchmarks in front and said the money can't be released until they meet these reforms. As they meet these reforms, the money is then released. This would then take the money away from that, reducing that incentive to make these kinds of reforms.

The funds that are targeted by this amendment support one of our strongest allies in this region. And I say that very carefully, one of our strategic partners, our very strong allies in this region, to help them meet the memorandum of understanding that we made in March of 2005 about these financial sector reforms.

Last month in the same kind of debate that we had in Committee, the Secretary of State said in a letter to the chairman of the Appropriations Committee, ''Reducing U.S. assistance would seriously damage our partnership as well as the broader strategic interests of the United States.'' And she also went on to state, ''We firmly believe the U.S. assistance to Egypt could continue at the full level requested by the administration, and ask your support for that request.''

In the past, the ranking member Mr. OBEY has himself recognized this when he has stated on the floor his support for the funding for Egypt. Now, I recognize and he could argue quite correctly, times have changed, there are different things that have happened, and he could say this is a different source of funds perhaps from it. But nonetheless, he himself has recognized the importance of Egypt as an ally.

While it is sometimes important to dispense tough love by withholding or eliminating funds, we also have to ensure that Egypt remains allied with the United States as a leading moderate nation within the Middle East. And I believe that, in this case, any attempt to pressure Egypt into hastening its transition to democracy could push this country away from the United States and allow another foreign power to gain a foothold in the region that could be very detrimental not only to our interests, but to the interest of peace in the region. This certainly would not be good for any of us.

Mr. Chairman, the bill that is before us today already has a $200 million rescission in funds for Egypt in the economic support fund. So for those who want to make this claim, the bill already has sent a signal to the Egyptians, and I think this amendment just simply piles on. It is overkill, in my opinion.

As in the programs that would receive funds with the Obey amendment, he would put some of it to the global HIV/AIDS initiative. I don't believe that anybody could claim that we have not supported this program or provided all the funds that could reasonably and effectively be spent. In fact, this bill has a total of $3.4 billion for HIV/AIDS programs. The President's request, $750 million increase over the 2006 level, this is the largest increase in this bill, and that demonstrates how much I think all of us on this committee and in this body care about fighting the HIV/AIDS. To increase it by another $50 million is simply not necessary and doesn't do anything more to meet in any way, certainly not as much as it detracts from the strategic interests that we have in Egypt.

The second area is in the international disaster and famine assistance, and this is a contingency count for uses when disaster strikes. In this bill there is a total of $348 million, again, the President's request for this account. The supplemental that 2 days ago was considered by the House and Senate conferees includes an additional $161 million for IDFA to accommodate emergencies that have recently arisen. We have done what I think is the responsible thing in this bill.

Mr. Chairman, I urge my colleagues to vote against the Obey-Lantos amendment.

Mr. LANTOS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my friend and colleague Chairman HYDE and I are strong friends of Egypt and we are proud cosponsors of this amendment. We are sponsors of this amendment because we are fed up with an Egyptian government that has received well over $50 billion from United States taxpayers in the past quarter century, yet it will not treat its citizens with dignity and respect. We are fed up with an Egypt that suppresses dissent, an Egypt that suffocates the secular liberal opposition, throws its leaders in jail on trumped-up charges, an Egypt that takes out its wrath on a man called Ayman Nour, who finished a distant second in President Mubarak's landslide victory last year. I am sickened, Mr. Chairman, that Mr. Nour is likely to spend the next 5 years of his life behind bars on transparently manufactured charges when we know his only

real crime was having the temerity to wage a political campaign against Mr. Mubarak.

We are fed up with and are not fooled by an Egyptian government that stages parliamentary elections, but prevents voters from reaching the polls. We are fed up with an Egyptian government that punishes judges who merely want to insist on judicial independence and ignores its promises to end emergency law and instead extends it. We are fed up with and deeply disappointed in an Egyptian government that suspended the activities of the International Republican Institute in Egypt simply because the local director criticized the pace of reform in Egypt.

We are fed up with an Egypt that is one of the leaders among the so-called group of 77 who are working hard to derail the critical United Nations reforms proposed by Kofi Annan, the Secretary General, which have bipartisan and strong support here in this Congress.

We are fed up with an Egypt that has nearly 500,000 active duty troops in its military, yet can do nothing in the international effort in Afghanistan.

We are fed up with an Egypt whose peace with Israel remains frigid, far colder than it ought to be, as we approach the 27th anniversary of the peace treaty.

Mr. Chairman, I do not denigrate the importance of our alliance with Egypt and I deeply appreciate the importance of the Israeli-Egyptian peace. But I do feel that we deserve more, much more for our generosity than the laundry list of problems I have only partially described.

I want the United States to maintain the strongest possible relations with Egypt. As you know, Chairman HYDE and I have made efforts in the past to communicate this to Egypt in clear and unmistakable legislative language.

The approach in our amendment is not precisely the approach I would have championed. Nevertheless, I consider it absolutely critical that President Mubarak understand the deep dissatisfaction here with the course of events in Egypt, particularly regarding the decline of human rights and personal freedoms.

It is also critical that the Egyptian people understand that we are taking this action in support of those moderate political parties, human rights advocates and independent judges who are supporting change in Egypt.

I believe this amendment sends a message to President Mubarak and to the Egyptian people in a manner that is loud, clear, friendly and measured. I urge all of my colleagues to join me in supporting this amendment, communicating our deep disappointment in our ally Egypt, and boosting simultaneously the underfunded and critical causes of the tragedy in Darfur and fighting HIV/AIDS globally.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise on behalf of and in support of the amendment offered by Mr. OBEY, Mr. HYDE, Mr. LANTOS and Mr. GREEN, and I associate myself with the remarks of Mr. OBEY and Mr. LANTOS.

I believe the alliance between ourselves and Egypt is an important one. I believe that Egypt has played an important role, not as expansive a role as I would have wanted, but an important role in the Middle East.

Mr. Chairman, in his inaugural address President Bush stated, ''It is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in the world.''

Mr. Chairman, I agree with this unambiguous statement in support of democracy and freedom, and I believe Members on both sides of the aisle agree with it as well. In fact, it is the reiteration of the policy that has guided our Nation from Wilson to Roosevelt, to Truman to Kennedy, to the present day.

Yet today, Mr. Chairman, one of our Nation's key allies in the Middle East, our friend Egypt, has taken demonstrable steps that raise troubling questions about its commitment to democracy.

Mr. Chairman, I will give examples. Multiparty presidential elections in 2005, as has been stated, were marred by allegations of fraud, voter suppression and intimidation. The leading opposition candidate, Ayman Nour, was arrested and sentenced to 5 years in prison, prompting the State Department to comment, ''The Egyptian government's handling of this case represents both a miscarriage of justice by international standards and a setback for the democratic aspirations of the Egyptian people.''

In Egypt, judges who protested the election have been disciplined. More than 600 pro-democracy activists have been arrested, and members of the foreign and Egyptian press have been harassed and intimidated.

Let me add, Mr. Chairman, it troubles me that last year, Egypt voted with the United States of America on contested votes of importance only 8.9 percent of the time. Let me reiterate that. A country to whom we have given $67 billion since Camp David, voted with us in important votes 8.9 percent of the time.

Thus, today, Mr. Chairman, I believe this amendment gives us a clear choice: We can continue to turn a blind eye to the undemocratic behavior of the Egyptian government, which will receive $1.8 billion in military and economic assistance through this foreign operations bill; or, alternatively, through the adoption of this amendment, we can send a message to our friend that the United States of America does not approve of its undemocratic activities, and, indeed, believes those are inimical to Egypt itself. We expect Egypt to abide by its commitments on democracy, human rights and the rule of law.

The Secretary of State's letter has been referred to by the chairman of the subcommittee. I have read that letter, Mr. Chairman. It sets forth many things that Egypt has done which have had a positive effect on stability in the Middle East.

Mr. Chairman, in my opinion, those actions were in Egypt's best interests.

□ 1530

They did not do that for the United States. They did it to create stability in the region in which they live. I congratulate them for that. But they did not do it because we gave them aid, assistance.

The bipartisan amendment that has been offered, quite simply, would cut $100 million, as has been said, in economic assistance for Egypt. Like Mr. LANTOS, that would not be my choice, but that is the choice of this amendment. Instead, it increases funding for disaster assistance for refugees in Darfur, one of the crisis regions of the world today. In addition, it increases the President's Global HIV/AIDS Initiative by an additional $50 million

At a time when this Nation has committed itself to promoting democracy throughout the Middle East, we have, it seems to me, a responsibility to expect that the most populous country in the region meets its democratic commitments.

Mr. Chairman, I urge support of this amendment.

Mr. WICKER. I move to strike the requisite number of words.

Mr. Chairman, my colleagues, I rise in opposition to the amendment and urge my colleagues for a strong vote against this ill-advised initiative.

In debate on the House floor some 2 years ago, some of the advocates of this amendment today rose and very eloquently spoke basically on the other side of the argument, saying that this would be ill advised, it would be unilateral action against a friend of ours.

I thought those remarks were correct at the time. And I am disappointed that some of the advocates of this amendment have changed their minds over 2 years' time. What has happened in 2 years?

Well, one thing that has happened is they have had a presidential election in Egypt which has represented progress. Now, we were not happy with everything that happened with the parliamentary elections, and it was not exactly a perfect presidential election in Egypt. But they had multiple parties, they had an open process. And I think almost every person who watched this on the international stage said it represented progress. So what has happened between 2004 and now is actual progress in Egypt. I commend them for that. But let's talk about why we have this bill at all. I meant to get down here for general debate to discuss this. We do foreign assistance for altruistic reasons, certainly for humanitarian reasons, of course. But the main reason we do foreign assistance is we

do it in the American national interest. This bill is a very important part of our national security package. And let me tell you about the national interest. Those of you who have been to the Middle East know that we do not have a lot of friends over there. But one friend we have in that area is Egypt. Since Nasser kicked the Soviets out, since Sadat helped with Camp David, with the beginnings of that Arab-Israeli peace process up until today, Egypt has been our strategic friend and our strategic partner.

Talk about national interests: When we went in with Operation Iraqi Freedom, some of our allies, Turkey, for example, would not let us through. How much trouble did that cause us, because we were not able to go into Iraq through Turkey?

By contrast, Egypt has allowed us to use the Suez for that purpose. They have allowed us continuous overflights. And just recently, they have been instrumental in helping with the unilateral Israeli withdrawal from the Gaza. They have helped us when it counted.

How many American soldiers are alive today because Egypt was our friend in Operation Iraqi Freedom? How many billions of dollars have we saved for the American taxpayers because Egypt has been our friend?

An amendment that was stronger than this was offered in the Appropriations Committee, and it was rejected overwhelmingly on a bipartisan basis. The authors of this amendment have attempted to soften it here on the floor. And one of the things that they have tried to do is take the money from Egypt and give it to programs that we all like—AIDS in Africa, Darfur, things of that nature. It is hard to resist. It sounds good.

But my friends, these people in Egypt have stood by us in a tough, tough neighborhood. And I do not think this amendment is the sort of thing we do to our friends. It might make us feel good, but it is terrible foreign policy, and I believe the House of Representatives will reject this amendment.

Ms. KILPATRICK of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members and the world, this is a very important amendment, and we must pay particular attention to it. The Middle East is in turmoil. We are threatened on every side of the Middle East. Sometimes we do not respect the culture. Sometimes we do not respect the religion. Sometimes we do not respect the people for what has happened to this country and terrorism around the world.

But I want for a minute for you to just take a moment and think how important this amendment would be and the signal it would send to our strongest alley in the Middle East. We have had a wonderful relationship with Egypt over the last 30 years. Over 75 million Egyptians, with some of the other countries, Syria, Jordan, Saudi, some of them 7 million, some 10 million, some 12, this is 75 million Egyptians who live in our country today and who live in the Middle East.

Mr. Chairman, it is the wrong signal to send at a time when the Middle East is in turmoil. Leadership is what they must have. And I contend to you that President Mubarak and his administration is the best friend that we have in the Middle East. I am recently returned from the World Economic Forum in Egypt on the Middle East, where countries from that region came together.

We met with them, a good delegation of us. And we interacted with them for the 2, 3 days of that summit. They want to be good neighbors. And what I am here to tell you is that Egypt, with the President and his administration, is leading the effort to make sure that our relationship with them and theirs with the rest of the Middle East is one that is important, that is stabilized, and that it is secure.

Egypt is a critical partner of the U.S. in the Middle East. Egypt is an honest broker with the Palestinians on its issues and on our issues. Egypt is the main protector of Israel, and we need that communication, we need that cooperation. Egypt supports us in the Gaza and the Egyptian border.

Egypt has sent 800 peacekeepers to the Sudan. Egypt also participates in joint exercises with our military. They buy our U.S. military equipment. This is not the time to punish them. No, they are not a democracy like we have. This is the best country in the world. Our democracy is second to none.

But do we penalize our neighbors, sovereign nations, because they are not like us? President Mubarak in the last 12 months has issued many decrees and is about changing how they believe and what they believe in Egypt.

As a result of that, Egypt has seen three bombings, had not seen any in over 10, 15, 20 years. Because it is hard to change from one way of governing, and then come to another. You have people in Egypt rising up against the president and against us too.

It is not time now. The timing is not good for the U.S. to back away from our relationship with Egypt as we help to stabilize that part of the world and remain partners with our country.

Is it possible that some things might not be right? Yes. I would be the first to say that. Are they working to make it better? Yes, they are. Israel needs a strong Egypt. The U.S. needs a strong Egypt. So I implore my colleagues, and I hate to rise any time against my ranking member. I feel so passionately about this that I implore my colleagues to look at what is happening in the world, look at us as our Nation, we are a great Nation, second to none.

Let us not forfeit our partnership with our friends that will destabilize our own country. There was a great act in the Middle East overnight, when one of the terrorists was captured, not only captured but further than that. Do we throw all of that for naught, or do we try to live in a world community where we can live together as brothers and sisters from different nationalities and ethnicities? I contend that Egypt is key in that and that we must continue.

It is not about the money, I must say as I take my seat. The cost of military assistance is phenomenal. The amount that this will deduct from that, it is not about the money; it is about the good will and the partnership.

Hundreds of millions of dollars are being spent for our own security. I contend that Egypt is a partner with us, and we should maintain that bipartisanship, for it is they and us and nations of good will like us that will determine what kind of world your grandchildren will live in. Vote ''no'' on the amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Obey amendment, although I have great respect for what my colleague is trying to achieve.

What we are hearing in this debate is two narratives, both of which are important. In the first narrative, we hear that Egypt's progress toward democratic reform has been far too slow with far too many setbacks; and, my colleagues, that is true.

The Egyptian Government persists in imprisoning political opponents like Ayman Noor. I could add Professor Saad Ibrahim to that list. I worked for several years with colleagues to urge the Egyptian Government to free Mr. Ibrahim, director of an organization in Cairo that promoted democracy and was critical of President Mubarak's leadership.

Thankfully, Mr. Ibrahim has now been released, but the pattern of imprisoning dissenters continues. These are very real concerns, and I hope the Egyptian Government hears the debate in this Chamber today as a strong alarm signal regarding Egypt's slow pace of progress.

However, there is a second narrative that is equally compelling. Egypt is one of our most important allies in a troubled region. It has contributed greatly to many efforts critical to our national security, including supporting efforts to stabilize and rebuild Afghanistan; training Iraqi police and troops; helping ensure an orderly withdrawal of Israeli forces from Gaza, including the sending of 750 troops to the Sinai-Gaza border; and policing the Rafah border crossing between Egypt and the Palestinian territories.

Perhaps most important now, Mr. Chairman, is Egypt's role as a mediator in the Israeli-Palestinian conflict. Egyptian leaders like General Suleiman have intervened in discussions and negotiations when the U.S. simply cannot do so.

Just this morning, USA Today reported that Egypt had mediated between Fatah and Hamas to secure an agreement under which Hamas will withdraw its 3,000-person militia from

Gaza and allow it to be folded into the Palestinian security forces.

Egyptian leaders have intervened on several other notable occasions. In an effort to prevent Fatah's disorganization from enabling a Hamas victory in Palestinian elections, General Suleiman worked with Abu Mazen in December 2005 to try to mediate between splinter parties.

In December 2004, during a period of heavy attacks against Israel, General Suleiman initiated a dialogue with Hamas and the Islamic jihad and other Palestinian militant groups to seek an end to the attacks.

Mr. Chairman, we are facing a critical period in the Middle East. The political crisis caused by Hamas's victory makes Egyptian mediation more, not less, critical. That is decisive for me. It is a time to build on this second narrative, not to deliver an irresponsible poke in the eye to a critical player at a critical time.

Let me say a few words about the supposed beneficiaries of this amendment. Mr. OBEY has cleverly crafted the amendment to distract attention from the cuts to Egypt by directing the money to two causes that many of us believe are of the highest importance, stopping genocide in Darfur and stemming the spread of HIV/AIDS.

□ 1545

I strongly support both of these priorities and would support added funding in this bill for them. However, this amendment does a disservice to those priorities by making them pawns in a political game that is about our support for Egypt, not for support for AIDS and Darfur. I hope we can add funding for efforts to address the AIDS pandemic and the genocide in Darfur, but this amendment is not the responsible way to do it.

Let us not lose sight of the millions of people in the Middle East who are depending on our leadership and our ability to work with Egypt to achieve peace in their troubled region. That is the priority of which we must not lose sight. I urge my colleagues to oppose the Obey amendment.

Mr. ROTHMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what if a member of your family were heading in a direction that was going to cause that person irrevocable harm, a member of your family? Would you stand by and say nothing? Someone you love. Or would you get their attention however you could as subtly as possible but if subtlety does not work then with a little more oomph to get their attention, to get them to change direction because they are going in a destructive direction?

That is what the Obey amendment is about. It is about our friend Egypt, a member of our family, if you will, going in the wrong direction. A friend who we have committed more than $67 billion to, delivered it to them. They have done wonderful things for our national security as well. We are great and good friends, Egypt and the United States, but our friend Egypt is headed in the wrong direction.

Just this past year, President Mubarak's leading opposition candidate for president was put in jail. Emergency laws which suspend democracy and the rule of law are still in effect. Independent judges have been disciplined for not following in lockstep with what the government says is their agenda. Freedom of the press has been weakened. And just this week, the International Republican Institute, a democracy building program in Egypt that is also funded by our Appropriations Committee, was suspended for criticizing the slow pace of reforms in Egypt.

People around the world, countries around the world, Mr. Chairman, have no hesitation telling us in America when we are moving in the wrong direction. Even in a time of war, other countries who are our friends say, America, you should not do that. You are going in the wrong direction. Well, that is what the Obey amendment does. It says to our friends in Egypt, please, we have tried every subtle way to get your attention, it has not succeeded. We are going to try to get your attention now with this $100 million transfer to two very worthy purposes, by the way, HIV/AIDS relief in Africa and $50 million for Darfur, clearly places where this money will be put to better effect.

Now, again, I view the Egyptian people as honorable and great people, great friends of the United States. I heard somewhere that that somebody said Egypt is defending Israel. By the way, Israel is America's greatest ally in the Middle East by far and votes with American more than any other country. Egypt unfortunately only votes with us 8 percent. Israel votes with America over 90 percent of the time at the U.N. Israel takes care of itself.

But, Mr. Chairman, we need to send a message to our friend, Egypt, to finally make these changes and show progress this coming year in the rule of law, in respect for democracy and human rights. I support the Obey amendment.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment and would like to say, first, that I understand that simply by having this debate here today, I think we are sending the appropriate message that needs to be sent to Egypt. And I would point out that already in the bill we rescind $200 million in aid to Egypt, and I think that this particular amendment would be much more punitive than is requisite and needed.

The United States needs to strive to bring reforms to Egypt. We all agree on that. But this is not tough love. This is going over the top in my estimation, and would cause damage for many years in the future if it were to pass. Reducing U.S. aid to Egypt at this time would also be strategically not a good move for the United States. Egypt has facilitated expeditious transit of hundreds of U.S. warships and thousands of U.S. aircraft through the Suez Canal and Egyptian air space since the start of Operation Enduring Freedom and Iraqi freedom.

Egypt has been a close partner. Many of my colleagues before have spoken about that relationship and what it means to the region at such a critical team. So I would urge my colleagues to oppose this amendment because I think it goes just too far.

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

Mr. SWEENEY. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding. I want to correct some statements that were made by previous speakers with regard to the International Republican Institute having been denied the ability to operate in Egypt. I have the privilege of serving on the board of the IRI, and I did speak yesterday to the president of the IRI.

There has been some disagreement, some misunderstanding, I think, really in terms of the registration process for the IRI in Egypt, but it is the belief of the President of the IRI that this is going to be worked out very shortly. But we do not believe it will, in any way, affect the programs of IRI in Egypt.

So I think he would agree, and certainly I would suggest to you that $100 million whack at Egypt over the slowness of registering an organization, an NGO that has engaged in democracy building, is a little bit of an overkill.

That leads me to my larger point, and this has been a bipartisan debate, and we have seen speakers here on both sides of the aisle speaking against this amendment and appreciate my colleagues who have come to the floor to make the points about how important Egypt is as a strategic partner.

That is the bottom line here. Egypt is a strategic partner. Egypt is a country that is in transition as we speak. Everybody knows that we are moving on to a post-Mubarak age. The question is, where do we want to be 10 years from now? Where do we want Egypt to be? Where do we want to be with regard to our relationship with Egypt. I would suggest to you that Egypt which has been since 1979, with the Camp David Accord, the key part of our strategic effort to achieve peace in the Middle East, that this would not be the time, this would not be the way to achieve that, to continue on that path by kicking sand in the face of Egypt.

This is not the right move, Mr. Chairman. This is not the way to go about this. We need to continue this strategic partnership. We need to continue to say to Egypt, we do expect you to reform. We do expect these kinds of political reforms to be made. We will work with you and we will stand with you and we will stand with the people of Egypt to make these reforms. And

we are glad that you have moved towards the multi-party presidential election. We are glad some of these things are happening. We expect more to be done, but we are not going to achieve that if we do not continue the partnership. If we jerk the rug out from under them, if we take away that partnership, we can hardly expect that to continue.

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

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

Mr. OBEY. Last year, I said virtually everything that my good friend is now saying today. The problem is that in the last year they have jailed their main opponents, they have beaten up people who are defending an independent judiciary, they have imposed another round of martial law, and they have continued the very things that are totally opposed to our values.

Now, to me the issue is not whether Egypt is a good friend and a good ally. They obviously are. The question is; Are they going to be around to continue to be that. If they do not change the way they are behaving, they are not going to be succeeded by a moderate government. They are systematically alienating every moderate group in that society, and you are going to wind up with the Muslim Brotherhood running that country unless they wake up before it is too late.

Mr. SWEENEY. Reclaiming my time, let me conclude by saying that I agree the purposes of this amendment are quite noble and that we as a body and as an institution should be promoting the ideas of reform and we should be intolerant and frustrated, but this amendment goes too far. And we have already taken steps and the mere fact we are having this debate I believe reinforces that message. I urge my colleagues to oppose this amendment.

Mr. ACKERMAN. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Obey-Hyde-Lantos amendment.

Mr. Chairman, in years past on this floor and in committee I have noted Egypt's central role in the Middle East peace efforts and that without those efforts we would have been even further away from peace than we are. That is, I believe, still true today. And clearly Egypt played an important part of Israel's successful disengagement from Gaza last year, but as central as the Egyptian role in the Israeli-Palestinian conflict is and as helpful as Egypt has been with ship transits through the Suez and flights over the Suez Canal in support of our efforts in Iraq, in regional peace and security, is not the only agenda that we have with Egypt.

President Bush has called for democratic transformation as a response to the rise of Islamic extremists in the Arab world. In Egypt, the response to that call has been decidedly mixed. Clearly, last year's presidential elections which for the first time featured more than one candidate on the ballot were a departure from the past practice of an up or down vote on President Mubarak and were a positive step forward. However, the Egyptian parliamentarian elections in December were marred with violence, voter intimidation and allegations of fraud as the ruling party sought to hold not just its majority in the assembly but its overwhelming majority.

While some will point out that a large number of opposition candidates who want seats, the real concern is that so many of them are affiliated with the Muslim brotherhood. No doubt the Egyptian government will look at these results and say again that political reform must proceed slowly.

I would argue that these results are of the government's own making. It is not democratic reform that produced these results, but the lack of political space for legitimate secular parties to function within Egyptian society. By denying that space, by arresting judges and journalists, by prosecuting legitimate opposition political leaders, by beating demonstrators, by extending the emergency law, the government of Egypt makes more likely the political result that they most fear, a future government of Egypt dominated by radical Islamists.

The choice we have today is to do nothing and hope that with more dialogue and a little more cajoling, that we can get President Mubarak to continue on the path to reform or we can send a clear message that even appreciating how helpful Egypt is on the regional peace and security issues, the Congress will not stand silently by as government thugs beat peaceful demonstrators in the streets of Cairo and with their fists extinguish the hope of a truly moderate, secular democratic future for Egypt.

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

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

Mr. OBEY. I thank the gentleman. We were just told this amendment goes too far. The fact is the State Department made phone calls to a number of people here yesterday indicating they would be willing to support this amendment. The only difference was that they wanted $50 million going to added democratization programs rather than going to AIDS. That was the only difference, because the State Department is getting fed up with the conduct that Egypt is demonstrating, and the State Department recognizes that this is a very dangerous slippery slope the Egyptian government is on.

So some may think this amendment goes far, but based on these conversation yesterday, the State Department is not one of them.

Mr. ACKERMAN. Mr. Chairman, I do not think we should regard this as punitive. We should regard this as a signal coming from a friend. Mr. OBEY, I think as a lifelong friend of Egypt as am I, would probably as ranking member, or perhaps as chairman, would be the first person to rush to the floor to restore those funds and then some, should Egypt understand this message and rectify its ways and move in a direction that is within its own interests.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise in support of the Obey amendment and I want my colleagues to know that the decision to support this amendment has not been an easy one for me. I support it out of a deep sense of disappointment and unease with recent actions taken by the Egyptian government.

I returned from Egypt with many of the members of the committee just a couple of weeks ago. Our brief visit there was filled with candid meetings with key Egyptian officials. We heard about Egypt's support for the Darfur peace process, its pledges of support for a U.N. peacekeeping force.

□ 1600

We heard the fears of Egyptian officials about the prominence of the Muslim Brotherhood, the threats to Egyptian society and industry from terrorism, and that what happened in the Palestinian elections with Hamas could happen to them.

We also heard about the great strides Egypt has made on economic reforms and the difficult reforms still ahead, and we heard about Egypt's cooperation on the Middle East peace process and Israel's withdrawal from Gaza and on ensuring speedy passage for U.S. military vessels through the Suez Canal.

However, in recent weeks and months, we heard other stories as well, of thousands of riot police being deployed to crush peaceful demonstrations by supporters of judicial independence, of judges being punished for publicly saying that past elections have been rife with fraud, of efforts to quash moderate opposition parties, including through the prosecution, brutal physical abuse and lengthy incarceration of an opposition candidate, of the extension of the sweeping emergency law despite explicit statements that it would not be removed and, most recently, of the termination of democracy-building projects under the auspices of the International Republican Institute simply because IRI's Cairo director criticized the slow pace of Egyptian reform.

I have such great respect for the chairman and am delighted that he had conversations with the IRI as a board member, and I do hope that there has been a misinterpretation of the public information with that issue, and I do hope it can be straightened out.

I am concerned about these developments, and I just finally came to the conclusion that the U.S. has an obligation to speak out; and to those who say that Egypt is a close ally of the United States and we should deal with these

issues in private, I believe that we are a close ally, we will remain a close ally. We understand how important the United States-Egyptian relationship is, but I would say that we have dealt with them in private, countless times; but the Mubarak government refuses to acknowledge our messages.

We, as members of the committee, delivered those messages in person. We understand that Egypt is a close, essential, strategic ally which is precisely why we tried to deliver those messages quietly, in private. It did not work. The reports kept appearing. The pictures on CNN when we were even in Egypt kept appearing.

Since 1979, Egypt has received more than $60 billion in military and economic aid from the United States, and I have supported it every time I had the opportunity to vote for that, understanding the importance of Egypt in that very difficult region of the world. This is proof enough of the importance of Egypt's continued strength, stability, and friendship to the United States.

The Obey amendment is not about devaluing that relationship or causing instability. It is, rather, a strong, unequivocal message that only a friend can deliver, that the way in which the government of Egypt currently approaches its moderate political opposition is simply inexcusable; and for this reason, I do urge my colleagues to support the Obey amendment.

Mr. WICKER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I accompanied the gentlewoman on the delegation to Egypt. Will she acknowledge that we met with Mr. Mubarak, Jr., and that he outlined a roadmap for further constitutional democratization in Egypt that is a positive step and that the gentlewoman was impressed with that? Would she acknowledge that?

Mrs. LOWEY. Mr. Chairman, reclaiming my time, may I respond to my colleague, I feel strongly that I am not going to tell Mr. Mubarak or his son, with whom we were very impressed, I am not going to tell them whether they should democratize in 1 year, 2 years or 3 years.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 2 additional minutes.)

Mrs. LOWEY. Mr. Chairman, in response to my good friend Mr. WICKER, as you well know, we had some very, very solid, powerful dialogue with both President Mubarak and his very impressive son, and we both felt that his words were very strong, very optimistic about the future of the continuance of our relationship and the importance of their role in that region.

I am not even suggesting to my good friend Mr. WICKER that we should tell them they should democratize in 2 years or 3 years. They are living in a tough neighborhood, and they are taking actions that they may think are appropriate in their move towards democratization.

However, I happen to believe, from the bottom of my heart, that those pictures on the camera of 10,000 riot police beating people over the head or the jailing of political opposition for 5 years on forgery charges, and I know we heard that he was not a very good, upstanding citizen, I believe that, however, I am taking this action because of the behavior which I think is inexcusable and because I have confidence that they will continue to move towards the path of democracy.

So I am taking this action not because I am commenting on their slow move towards democracy, but because of the actions that they have taken that I think are inexcusable and, in my judgment, would be problematic if you are moving towards democratic reform.

Mr. WICKER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, will the gentlewoman agree that if this Obey amendment passes today, the headline tomorrow in Egypt would be that the United States House has taken a slap at our allies in Egypt and that it might make it harder for moderates in Egypt to continue down that path?

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has again expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 1 additional minute.)

Mrs. LOWEY. Mr. Chairman, I would hope the headline would emphasize the over $1 billion that we are providing in assistance to Egypt because we acknowledge the very critical role in that region: the critical role they are playing in Darfur; the critical role they are playing in the peace process. And I have confidence that that relationship is so strong that we will continue to work together to make sure that someday, in our lifetime, we will see peace in that region of the world and hopefully it will be based on democratic principles.

I thank my good colleague for your very thoughtful question.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one could not help but appreciate the debate that has been carried on this afternoon and particularly the remarks of concern about Egypt's democratization; and, certainly, the gentleman from Wisconsin and the gentlemen from California and Illinois are individuals that I respect, but I rise this afternoon to again emphasize key elements that we cannot change.

In a letter from Secretary Rice dated the 24th to the chairman of the Appropriations Committee, she said let me first state that our strategic partnership with Egypt is a cornerstone, a cornerstone, of U.S. policy in the Middle East, and the partnership that would continue would be in the U.S. interests.

So although I recognize that this is to, if you will, to say to Egypt that all is not well, I would simply say to my colleagues that this is too important a relationship to create the kind of atmosphere or tone that would say that the alliance between Egypt and the United States has been broken and forever broken.

A few weeks ago, some of us took our passion and our belief to the Sudanese embassy and were arrested, and so of course I have a sense of passion and concern for the dollars that would go to Sudan. But do we realize that Egypt is the first Arab country to support the peace agreement with Darfur that was reached between the government of Sudan and the rebels; that Egypt committed itself to participate in the international forces and post-war reconstruction of Darfur; that just recently Egypt has convinced the government of Khartoum to accept the international peace forces; and that Egypt has increased its participation in the African Union peacekeeping; and that they will welcome the sick and injured from Darfur, including the rebels? They have worked on behalf of this peace agreement.

And then I might say to you that based on mutual agreement between Egypt and the U.S., the ES fund that was allocated is already $40 million less than fiscal year 2006. We have already cut them more than half of the level, cut half of the level of 1998, and particularly this ES fund is targeted for democracy and education. The very complaint that we have will be undermined by the Obey amendment.

I would also say to you that in Secretary Rice's letter she said again reducing the U.S. assistance would seriously damage our partnership, as well as the broader strategic interests of the United States. Accordingly, we firmly believe, the State Department, that the U.S. assistance to Egypt should continue at the full level requested by the administration.

We frankly have an opportunity to reinforce our friendship. I do not like the incarceration of opposition and the 10,000 police that were, if you will, both misguided and without temperament. They should be chastised, and the Mubarak government has the responsibility to do that. What the world sees, the world believes.

But Egypt is currently undergoing a process of reform. They are undergoing an effort of broadening political participation ensuring freedom of expression. In addition, they recognize that this is a problem with the incarceration of the opposition. I might remind my colleagues that it was a court decision that caused Mr. Noor to be incarcerated.

But nonetheless, any letter to the effect that suggests that this is not the

right way I will join, but this is not the way to engage in this position. It is true that Egypt is not engaged in active or interactive military conflict as we speak, but there is no doubt that Egypt is a target of terror and terrorism. There is no doubt that they are a strategic body of safety within the region of the Middle East. They are subject to forces of terrorism, militant Islam, and rogue countries that threaten America and Egypt.

I would only ask my colleagues that, yes, it is appropriate to admonish Egypt and to make them realize that we want an encompassing of the ideals of democracy, but having just received the Prime Minister of Israel, they have a relationship with a strong partner of the United States. Let us recognize that Egypt has been a friend; that Egypt's culture is a culture of great diversity; that Egyptians here in the United States have spent their blood on behalf of freedom of this country; and that the relationship that we have between Egypt and the United States is one to nurture and one to give credence to and one to be able to protect.

Egypt is listening to this debate, and I believe, Mr. Chairman, as they listen to this debate they will correct their ways, but we should not support this amendment. Let us support and nurture the relationship between the United States and Egypt. They are a strategic partner.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

In a moment, I would turn to my colleague Mr. OBEY in case he has other thoughts to round out his, I think, important case on an important amendment, which I strongly support. The only adjustment that I could possibly suggest would be that some of the money that was of the $100 million be invested in water resources around the world, but I am pleased to step forward.

I am a supporter of the historic agreement that Egypt entered into. I think the $60 billion American taxpayers have invested is justifiable, but I think it is time for us to take a step back and get real. I have listened to the argument that we have heard from a variety of people, including those who have been the most steadfast supporters of Egypt on the floor of this Chamber year after year in terms of patience running thin, in terms of the oppression of people in Egypt, suppression of the democratic process.

□ 1615

I find it a little farfetched to suggest that somehow everything is going to be fine with our relationship with Egypt if we give them $1.75 billion, but if somehow that is scaled down to $1.65 billion that somehow things are going to be upset; that it is a slap in the face; that Egypt is somehow undermined. Who else is going to give them this type of money and provide this type of steadfast support?

It is the wrong use of this money. I think Mr. OBEY has suggested higher and better uses. Again, I only wish it was water resources. I think it is an important wake-up call for Egypt, but more important, I think it is an affirmation of our responsibility of how we use these resources to extend our interests in foreign policy. We shouldn't be trapped in time.

I think Mr. OBEY's amendment is an important step in our exercising our responsibility.

I yield to Mr. OBEY if he wanted to elaborate on his defense.

Mr. OBEY. I thank the gentleman. Someone on the other side just said ''What will the headline be tomorrow?''; that it will be that there is a slap in the face of the government. That is the point. That is the point.

Our long-term security is tied not just to Mr. Mubarak, but whoever comes after him. And what we are trying to do is to send a message to all levels in Egyptian society that we stand for what we say we stand for, which is a modicum of decency in dealing with your political opponents, absent other trappings of democracy.

And it is important that a lot of people in Egypt besides Mr. Mubarak understand that we are serious about our democratic values, that we are serious about assuming that the country that is more identified with us than any other Arab country, that it is important that they reflect certain norms of decency with respect to the way they treat their population and treat their political opponents.

And it is in the interest of the United States to make sure that every citizen of Egypt understands that, because otherwise, we allow other groups, like the Muslim Brotherhood, to paint caricatures of the United States, which will do us no good in the long run.

I thank the gentleman for the time.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, only a few months ago, the Department of State reported on the type of Egypt that would receive more American tax dollars under this bill: ''The government's respect for human rights remained poor, and serious abuses continued in many areas.'' ''Security forces killed a number of opposition voters and protestors.'' ''A systematic pattern of torture by the security forces existed.'' ''At least seven persons died in custody at police stations or prisons'' during 2005. This on top of 120 such deaths in police custody ''as a direct result of torture'' over the prior decade ''among some 420 cases of torture.''

I think Secretary of State Rice was absolutely correct to speak out on democracy in Egypt earlier this year, and she was also correct when she said previously ''that for 60 years, it has been the policy of the United States and our allies to turn a blind eye to the absence of freedom in the Middle East.'' The only problem is that the commitment of this Administration to democracy promotion is largely determined by its desperate attempt to find more excuses for its other foreign policy failures. And when it comes to Egypt, the Bush administration has merely changed that ''blind eye'' to a wink.

Yes, just after President Mubarak last month extended emergency rule and dictatorial powers for himself, just after he locked up his electoral opponent, and just as his henchmen were beating peacefully assembled people brutally on the streets of Cairo, Vice President CHENEY winked and accorded Mubarak, Jr. the prestige of a White House meeting. And the Administration advises that President Bush dropped in to say hello to Mubarak, Jr., but briefly because he only wanted to convey his best wishes to Mubarak, Sr.

Well, the Mubarak strategy deserves more than that kind of wink and a nod toward democracy. His strategy has been, from the very beginning, to convince American leaders and American taxpayers to transfer their tax dollars to Egypt because he represents the only alternative to Islamic extremists. And to ensure that his strategy continues to pay dividends, he aggressively suppresses any moderate opposition that emerges.

It is true that he doesn't boil his opponents alive like Secretary Rumsfeld's former buddy in Uzbekistan. But to follow the sad path of civic discourse in Egypt is to watch an authoritarian respond to his people's demand for a more open society with a big stick, with a view that he can beat that spirit out of them with fear and intimidation.

What we need in Egypt, as several people have said on both sides of this debate, what we need is a pragmatic policy, a policy that realizes if we continue to associate ourselves with a corrupt regime, eventually the pressure cooker will explode, and we will have paid to create the very disaster that these dollars are allegedly designed to avoid.

Now is the time to tell President Mubarak, through this amendment, that we have wasted more than enough money propping up tyranny. Ultimately, by approving the Obey-Lantos-Hyde-Green bipartisan amendment, this Congress can say to this latter-day pharoah, ''let your Egyptian people go.'' Doing that is the best way not only to help the people of Egypt, but also to help American families be safer.

Some have asked about the headline that will likely run about this debate. I will tell you what the headline will be if this amendment is not approved. The headline will be: ''We got away with it again.'' Clearly, the Egyptian government has not heard the comments given quietly in private during the past. They have paid more attention to the winks they have gotten from this Administration. The only thing they will understand is in dollars and cents and in the votes that are cast for this amendment.

I urge my colleagues to support this bipartisan amendment because it will

not only protect American tax dollars, it will lead to more safety for American families.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Obey-Hyde-Lantos-Green amendment to increase disaster assistance funding for Darfur by $50 million and to increase HIV/AIDS assistance by $50 million. In order to pay for this funding, this bipartisan amendment will cut $100 million in economic budget support for Egypt.

Mr. Chairman, when we provide money to any organization or government, we should demand accountability and results in return. However, we have heard over and over again that in just the last year the government of Egypt has imprisoned the leading opposition candidate in their 2005 elections, which were themselves marred by fraud; extended so-called emergency laws despite promises to repeal them, cracked down on pro-democracy groups, harassed and arrested members of the press, and suspended a United States Government funded program to promote democracy. This is simply not acceptable. Perhaps some tough love and leaner times will help refocus the Egyptian government on Democratic reforms.

While our funds are obviously finite, the need for true humanitarian assistance around the world is seemingly infinite. The World Food Program has recently had to cut rations for refugees in the Sudan due to a shortfall in funding. The global HIV/AIDS initiative is funded at $121 million below the President's request. I am sure that nearly all of us would rather see our taxpayers' money used to support refugees and children orphaned by AIDS than used to throw dissidents and reporters into Egyptian jails.

Just a day or two ago, I was arrested in front of the Sudanese Embassy as a result of all of the difficulty and the genocide and the instability taking place in Darfur. Certainly a little bit of additional money to help provide resources for those refugees, for those individuals whose lives are disrupted would go a long way. So I urge support for the Obey amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Obey-Hyde-Lantos amendment because the lifesaving interventions that would be effectuated by the amendment to enhance by $50 million money for PEPFAR and another $50 million to meet the needs for refugees and IDPs in Darfur are compelling.

The money diverted from Egypt, I want to make very clear, will be very well used. I have actually visited camps in Darfur, Mr. Chairman, and they are underfunded. Despite our best efforts and many of the efforts of the international community, people do need more, food, medicines, as well as the shelter and security that ensures that the food and medicines can go to the people.

Let me also point out that the PEPFAR program did not receive in this bill the amount of money that the President had asked for. Some of that money was put into the Global Fund. And I think it is unfortunate that PEPFAR, that has worked so well and is still growing in its capabilities as well as its impact, should be funded at least at the level the President has asked for. This gets us closer to that number.

I recently visited a number of the programs that are funded by PEPFAR in Uganda and saw firsthand how there is behavioral change that is occurring as part of the abstinence, be faithful approach. But especially for those under the age of 30, there is a profound change. The infection rate is dropping dramatically, and has been for a few years now in places like Uganda.

We went out into the bush and into areas where U.S. funded teams are going out two by two to bring the message of health, including testing as well as what needs to be done if one is found to be infected by HIV/AIDS. We also saw that the PEPFAR monies were being used very efficaciously using faith-based initiatives and others to get the antiretroviral drugs to those infected. But clearly, there is not enough medicine available. Whether it be for young people or people who are older, there is just not enough antiretroviral medicine being funded to reach all of those who could get their lives back if indeed that money was there. So this money, at least $50 million of it, will be put there.

Let me also say with regards to Egypt, we all know pursuant to the Camp David agreement, and because of the boycott, the Egyptians did receive significant amounts of money, as they should have, and they do so every year. They continue to do so even if the Obey-Hyde-Lantos language is adopted. But I am very concerned, as someone who spends a great deal of time working on human rights, that there has been a deterioration of human rights in Egypt, Christians and others, the government has not done all it can do to try to mitigate these abuses.

Yes, I like Mubarak. We all like him. He is a very affable and a very effective leader in many ways. But it seems to me much more has to be done on a human rights record that the Country Reports on Human Rights Practices this year again has said is poor, as well as the International Religious Freedom Report with regards to Egypt.

So for all of these reasons, I strongly urge that we support this amendment. It is a good amendment. And, again, we are still, even if this passes, major providers of U.S. taxpayer funds to Egypt, even if this amendment passes. So I urge support of the amendment.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Friends, it is absolutely true that we need friends in this region, but it is also true that it is not easy to be our friend in the region. It is not easy, first of all, because a lot of folks in that area are not very fond of the United States of America, and Egypt has been an exception and a dear friend in troubling times and in a troubling region.

It is not easy also because, as a friend, we are sometimes rather condescending.

□ 1630

I have listened to some of the language that has been used here. We talk about tough love. Tough love is something you do not do with someone of mutual stature; tough love is something parents do to children. I have heard language like ''get their attention.'' We have Egypt's attention. They understand that we care about democracy, but it is presumptuous of us to assume that Egyptians do not care about democracy and human rights as well.

I had the privilege of traveling to Egypt recently with some of my good colleagues. We met with a number of moderates and business leaders who said it would be counterproductive if the House of Representatives seeks to punish Egypt or teach Egypt a lesson by withholding these appropriations. It would be counterproductive. Human rights activists told me that. The reason it would be counterproductive is because Egypt has made a number of reforms that we have asked them to make. They are engaging in economic liberalization. They are engaging in progress towards democracy after thousands of years.

Our own country certainly did not start perfectly. As any African American or woman knows, we passed the Alien and Sedition Acts under John Adams. Our own country had a slow and tortuous progress towards full democratic participation.

Egypt is moving in that direction. If we are condescending and patronizing at this critical time, it will send the wrong message, not the right message.

Egypt has boots on the ground in Darfur helping the refugees. They are operating a field hospital in Afghanistan, treating our own wounded and Afghani civilians. Egypt has been critical to helping negotiate the tense situation with the Palestinian Authority. Egypt has been involved in training the Iraqi troops.

Yes, there are concerns. But goodness gracious, could you not turn on the TV occasionally and see demonstrators clashing with police in our own country? And do we not have other allies in that country and elsewhere on this planet that have treated journalists harshly?

If we expect perfection from our friends or we will punish them or teach them a lesson or engage in tough love, we are going to have precious few friends left in the world. Precious few. We need to treat the Egyptians with the respect their long and proud history deserves. We need to continue to support them with appropriations, and we need to work with them as partners

with mutual respect and honor in the long tradition that we have established with this great country.

I understand the good motives of the ranking member and the others who have supported this amendment. I understand their intentions and I respect that. I just think it is a strategy that may actually backfire on us in the region, and for that reason I urge rejection of this amendment and we continue to work with the Egyptian Government to encourage and support the many achievements they have made and to support future achievements as they move forward.

That is the message I heard on the ground in Egypt, and I hope my colleagues will share that and reject this amendment.

Mr. FORTENBERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, thank you for this opportunity to support Mr. KOLBE in opposing this amendment to decrease economic support to the government of Egypt.

I think it is important to note that I fully appreciate the concerns raised by the sponsors of this amendment and their commitment to political and human rights reform in Egypt. The imprisonment of Mr. Noor, a presidential candidate, other prisoners of conscience, as well as serious violations of religious freedom, are very serious affronts to human dignity and freedom. I believe that we have a responsibility to raise the issue of reform with the Egyptian Government which the United States has done on numerous occasions and continues to do.

However, it is also important to note that Egypt has borne significant sacrifices for the cause of peace and freedom in the Middle East.

President Sadat paid a very high price for Egypt's rapprochement with Israel. More recently, Ambassador Ihab al-Sherif paid with his life for daring to defy the foes of peace in Iraq.

When I visited the Sinai as an 18-year-old in the aftermath of the 1973 war, I was struck by the graffiti scrawled on a twisted heap of concrete, a scene so typical throughout the Middle East. The message in Arabic and English read: ''Here was the war. Here is the peace.''

For close to 30 years now, Egypt has stood by a courageous choice, daring to chart a new course. President Sadat could have made another choice. While no government is perfect, this choice has been consistent with a march toward democratic reform. Much is left to do. Many challenges remain. But the loosening of our hand of friendship with Egypt will potentially harm that which this amendment seeks to achieve.

Egypt is one of our most important strategic allies in the Middle East, and a cultural and historical leader of the Arab world. I believe this amendment would achieve nothing short of damaging an important relationship at a critical time.

Mr. AL GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank God that Members OBEY, HYDE and LANTOS have had the courage to bring this amendment. And I say so because, Mr. Chairman, a human crisis of the highest magnitude exists in Darfur. As we speak, we have had 2.5 million people displaced. Something has got to be done about that. We have had 3 million people put in a position such that they have to exist on emergency assistance. 400,000 people are dead. These are real people; these are real numbers. There is real suffering going on in Darfur.

I do not know what the headlines will read tomorrow in Egypt. I do not know what they are going to read here in my hometown of Houston or here in Washington, D.C., but I know this: at some point on the infinite continuum that we call time, the omniscient, the omnipresent, and the omnipotent will come together and every one of us will have to answer the question: Where were you when there was murder and rape and hunger in Darfur? Where were you when your brothers and your sisters were suffering?

I want to let you know that this is the least we can do for the people of Darfur.

Mr. Chairman, $50 million will go to the World Food Program that needs help. It only has 32 percent of what it needs to meet the demands of this crisis.

Mr. Chairman, we have to ask ourselves the question: If not now, when? When will we give help and aid to those in need?

If not here, where? Where will the help come from?

If not us, who? Who will the help come from?

Mr. OBEY, God bless you. You have done the decent thing for people who have been suffering for too long. I thank you for what you have done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope in just a moment here that we will be able to have the committee rise and we will have a unanimous consent agreement to propound. But let me say before that moment that I do think this debate that we have just concluded has been a very constructive debate, a very productive one.

As I said in the committee, I hope that our friends in Egypt, whether they are here in the United States or whether they are listening to this abroad, have taken some message from this debate that we have just had on the question of our relationship with Egypt and the support and the strategic partnership which we all recognize as an important one. But I hope the message that our friends in Egypt take from this is that democracy is about this kind of a debate.

In a democracy, you not only allow this kind of debate, you encourage it. What we hope to be able to say to our friends in Egypt is that this debate is an important one, and we have had a very constructive debate that I believe is very important.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOOZMAN) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5522, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5522 in the Committee of the Whole, pursuant to House Resolution 851, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. MCGOVERN regarding Andean counterdrug funding, which shall be debatable for 60 minutes;

An amendment by Mr. MCGOVERN regarding a funding limitation on Western Hemisphere Institute for Security Cooperation, which shall be debatable for 30 minutes;

An amendment by Ms. GINNY BROWN-WAITE of Florida regarding funding for Ireland;

An amendment by Ms. GINNY BROWN-WAITE of Florida regarding INCLE funding for Mexico;

An amendment by Mr. BROWN of Ohio regarding Child Survival and Health program;

An amendment by Ms. WATERS regarding funding for Haiti, which shall be debatable for 20 minutes;

An amendment by Ms. WATERS regarding funding for Haiti;

An amendment by Ms. HOOLEY regarding INCLE funding;

An amendment by Ms. BERKLEY to strike the waiver authority in section 544 of the bill;

An amendment by Ms. BERKLEY to strike the waiver authority in section 550 of the bill;

An amendment by Ms. BERKLEY to strike the waiver authority in section 555 of the bill;

An amendment by Mr. MCHENRY to strike the waiver authority in section 581 of the bill;

An amendment by Mr. DEAL of Georgia regarding section 583 of the bill and certain waiver authority;

An amendment by Mr. TERRY regarding funding limitation on importation of counterfeit goods and services;

An amendment by Mr. WEINER regarding funding limitation on Saudi Arabia, which shall be debatable for 20 minutes;

An amendment by Mr. KING of Iowa regarding funding limitation on ESF funds to Mexico;

An amendment by Mrs. MUSGRAVE regarding funding limitation on importation of U.S. beef;

An amendment by Mr. KUCINICH regarding funding limitation on Northern Transnational Highway in El Salvador;

An amendment by Mr. POE regarding funding limitation on countries that do not accept the transfer of certain individuals issued a Final Removal Order by ICE;

An amendment by Mr. POE regarding reduction of funds in the bill;

An amendment by Mr. SANDERS regarding funding limitation on Ex-Im Bank approval of an application related to oil and gas field development project, which shall be debatable for 20 minutes;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on IMET funds for the Government of Chad;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on Pakistanian enforcement of the Offence of Zina ordinance of 1979;

An amendment by Ms. JACKSON-LEE of Texas regarding authorization of funds for security activities in Afghanistan;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on IMET funds for child soldiers;

An amendment by Mr. DEAL of Georgia regarding funding limitation on the use of INCLE funds;

An amendment by Mr. CULBERSON regarding funding limitation on assistance to Mexico;

An amendment by Mr. HEFLEY regarding reduction of funds in the bill; and

An amendment or amendments by Mr. KOLBE regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Foreign Operations, Export Programs, and Related Programs may each offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 851 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5522.

□ 1645

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, with Mr. THORNBERRY in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) had been postponed and the bill had been read through page 14, line 3.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on one amendment on which further proceedings were postponed, the amendment by Mr. OBEY of Wisconsin.

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 225, not voting 9, as follows:

[Roll No. 236]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Butterfield
Cantor
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Foxx
Frank (MA)
Gallegly
Gerlach
Gohmert
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hayworth
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hyde
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (IL)
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Maloney
Markey
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McGovern
McHenry
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Musgrave
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Platts
Poe
Ramstad
Rangel
Reichert
Renzi
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Sherman
Simmons
Simpson
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wynn

NOES—225

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)

Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kilpatrick (MI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Marchant
Marshall
Matsui
McCotter
McCrery
McDermott
McHugh
McKeon
McKinney
McMorris
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (WI)
Murphy
Murtha
Myrick
Neugebauer
Ney
Norwood
Nunes
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ruppersberger
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skelton
Smith (TX)
Smith (WA)
Sodrel
Sullivan
Sweeney
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Bono
Davis (FL)
Evans
Gibbons
Kingston
Manzullo
Nussle
Peterson (PA)
Reyes

□ 1711

Messrs. CLEAVER, DINGELL, ROHRABACHER, CUELLAR, FEENEY and WU, and Ms. MCKINNEY and Ms. EDDIE BERNICE JOHNSON of Texas, changed their vote from ''aye'' to ''no.''

Messrs. EDWARDS, GALLEGLY, MCHENRY, FERGUSON, FORD and LOBIONDO changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the Chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5522, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5522 pursuant to House Resolution 851, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Appropriations:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2006.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Please accept my resignation, effective immediately, from the House Committee on Appropriations.

It has been my great pleasure to serve on the committee under the fine leadership of Chairman Jerry Lewis and Chairman Bill Young.

Thank you for your attention to this request.

Sincerely,

TOM DELAY,
Member of Congress.

The SPEAKER pro tempore. The question is, Shall the resignation be accepted?

The gentleman from Texas is recognized.

□ 1715

Mr. DELAY. Mr. Speaker, political careers tend to end in one of three ways: defeat, death, or retirement. And despite the fervent and mostly noble exertions of my adversaries over the years, I rise today to bid farewell to this House under the happiest of the available options.

I wish to begin the end of my congressional career by publicly thanking for the last time as their Representative the people of the 22nd District of Texas. Everything I have ever been able to accomplish here I owe and dedicate to them. It has been an honor and a privilege to serve them here.

Mr. Speaker, the real Speaker, he is on his way, I want to tell the real Speaker it has been a real honor to serve with DENNY HASTERT, who is my good friend, my most trusted partner and colleague. I want to take just a moment to congratulate him myself on becoming the longest serving Republican Speaker in history.

What a blessing this place is, Mr. Speaker. What a castle of hope this building is, this institution is for the people of the world. It is one of those things in political life that you always know, but seldom notice. The schedules we are forced to keep during our days in Washington are not always hospitable to sitting back and reflecting on the historical significance of our surroundings.

In the weeks since I announced my retirement, however, I have found myself doing just that. I notice things like I have not in years. I notice the monuments on the Mall. I notice that in Washington's obelisk, the Father of Our Country is represented not as an object of glory, but as a dutiful sentry at attention, minding his post for eternity.

I notice that under Jefferson's dome, the statue of the man is relatively understated, while his etched words still thunder from the marble with the power to drive history.

I notice that Lincoln's chair, the man who sought above all peace and reconciliation, keeps one of his hands in a perpetual fist. I walk these halls with a keener perspective. I notice now the statues of old and great, and in some cases almost forgotten, heroes that line the halls of this building, that stand in Statuary Hall.

In these halls I have also noticed in recent weeks the number of tourists in the Capitol who speak no English. They are not from America, most of these visitors, and yet, in a certain sense, of course they are. They may speak Italian or Polish or Japanese, but the freedoms they enjoy, both here and in their own country, have been inspired, won and secured by the ideals and the courage and the compassion of the American people.

These pilgrims come from all over the world to the House of Representatives to sit up in these galleries, photograph the statues, and stare up at the rotunda, to bear witness to the awesome feat of human liberty we have achieved right here.

The dome above us, Mr. Speaker, is a light house, a star even, by which all of the people in the world, no matter how oppressed, how impoverished, how seemingly without hope can chart a course towards security, prosperity, and freedom.

It is worth considering, though I will admit it is considerably easier to consider after you have announced your retirement, whether the days we lead here, the debates we wage, the work we do is always worthy of the elevated ideals embodied in that dome.

I submit that we could do better, as could all people in all things at all times, but perhaps not in the way some might think. In preparing for today, I found that it is customary in speeches such as these to reminisce about the good old days of political harmony, and across-the-aisle camaraderie, and to lament the bitter divisive partisan rancor that supposedly now weakens our democracy.

Well, I cannot do that, because partisanship, Mr. Speaker, properly understood, is not a symptom of democracy's

weakness, but of its health and its strength, especially from the perspective of a political conservative.

Liberalism, after all, whatever you may think of its merits, is a political philosophy and a proud one, with a great tradition in this country with a voracious appetite for growth. In any place, or any time, on any issue, what does liberalism ever seek, Mr. Speaker? More. More government. More taxation. More control over people's lives and decisions and wallets.

If conservatives do not stand up to liberalism, no one will. And for a long time around here, almost no one did. Indeed, the common lament over the recent rise in political partisanship is often nothing more than a veiled complaint instead about the recent rise of political conservatism.

I should add here that I do not begrudge liberals their nostalgia for the days of a timid, docile, and permanent Republican minority. If we Republicans had ever enjoyed that same luxury over the last 12 years, heck, I would be nostalgic too.

Had liberals not fought us tooth and nail over tax cuts and budget cuts and energy and Iraq and partial birth abortion, those of us on this side of the aisle can only imagine all of the additional things we could have accomplished.

But the fact of the matter is, Mr. Speaker, they did not agree with us. So to their credit, they stood up to us. They argued with us. And they did so honorably on behalf of more than 100 million people, just like we did against President Clinton and they did against President Reagan.

Now, it goes without saying, Mr. Speaker, that by my count, our friends on the other side of the aisle lost every one of those arguments over the last 22 years, but that is besides the point. The point is, we disagree. On first principles, Mr. Speaker, we disagree. And so we debate, often loudly and often in vain, to convince our opponents and the American people of our point of view.

We debate here on the House floor. We debate in committees. We debate on television, and on radio and on the Internet and in the newspapers; and then every 2 years we have a huge debate, and then in November, we see who won.

That is not rancor; that is democracy. You show me a Nation without partisanship, and I will show you a tyranny. For all its faults, it is partisanship based on core principles that clarifies our debates, that prevents one party from straying too far from the mainstream, and that constantly refreshes our politics with new ideas and new leaders.

Indeed, whatever role partisanship may have played in my own retirement today, or in the unfriendliness heaped upon other leaders in other times, Republican or Democrat, however unjust, all we can say is that partisanship is the worst means of settling fundamental political differences, except for all of the others.

Now, politics demands compromise, and, Mr. Speaker, even the most partisan among us have to understand that. But we must never forget that compromise and bipartisanship are means, not ends, and are properly employed only in the service of higher principles. It is not the principled partisan, however obnoxious he may seem to his opponents who degrade our public debate, but the preening self-styled statesman who elevates compromise to a first principle.

For the true statesman, Mr. Speaker, we are not defined by what they compromise, but what they do not. Conservatives, especially less enamored of government's lust for growth, must remember that our principles must always drive our agenda and not the other way around.

For us conservatives, there are two such principles that can never be honorably compromised: human freedom and human dignity. Now, our agenda over the last 12 years has been an outgrowth of these first principles.

We lowered taxes to increase freedom. We reformed welfare programs that however well intentioned undermined the dignity of work and personal responsibility and perpetuated poverty.

We have opposed abortion, cloning and euthanasia because such procedures fundamentally deny the unique dignity of the human person. And we have supported the spread of democracy and the ongoing war against terror, because those policies protect and affirm the inalienable human right of all men and women and children to live in freedom.

Conservatism is often unfairly accused of being insensitive and mean-spirited, sometimes unfortunately, even by other conservatives. As a result, conservatives often attempt to soften that stereotype by overfunding broken programs or glossing over ruinous policies. But conservatism is not about feeling people's pain; it is about curing it.

And the results since the first great conservative victory in the 1980s speak for themselves. Millions of new jobs, new homes, and new businesses created, thanks to conservative economic reforms. Millions of families intact and enriched by the move from welfare to work. Hundreds of millions of people around the world liberated by a conservative foreign policy victory over Soviet Communism, and more than 50 million Iraqis and Afghanis liberated from tyranny since September 11, 2001.

To all of the critics of the supposedly mean-spirited conservative policies that brought about these results, I say only this: compassionate is as compassionate does.

Now, when I say that word, Mr. Speaker, compassionate, my thoughts turn to one person, my wife, Christine. Twelve years ago, Christine became what is called a court-appointed special advocate for abused and neglected children. And soon thereafter we became foster parents ourselves to three such children.

Over the last 10 years, I have spent more time and energy on the plight and needs of abused, neglected children than on any other single issue. It is an issue that transcends politics, let alone partisanship, and one that will continue to command a disproportionate amount of my time as a private citizen.

I am concerned, however, about whether it will receive the attention it deserves here in Washington, D.C. And because this is the last time I may ever command the attention of the House and of the national media, I will make one more plea before I go.

The catastrophe of America's child welfare and foster care systems is a national outrage, a government failure, and a bipartisan embarrassment. Congresses, administrations, Governors and State legislatures of every party and ideological bent for almost 100 years have thrown abused and neglected children into a vicious cycle of violence, fear, and instability.

Children who have already been beaten and betrayed by the people that are supposed to love them the most are routinely tossed from one temporary placement to another, often 10 to 20 times during their most formative, vulnerable years.

The system we have created still includes perverse economic incentives that deny children permanent homes, and in some States still lacks meaningful child monitoring or even background checks for perspective foster parents. The courts charged with overseeing each case are overrun with unrelated duties. So the thankless, unexciting work of looking after foster kids is just set aside in favor of more glamorous cases on the docket.

□ 1730

Bureaucracies layered one on top of another consign these children to the perdition of government and foster care for years at a time and with little or no effort made to finding them permanent loving forever families.

Instead, every few months these children throw their despair and distrust into a black plastic trash bag along with their few belongings and head off to the next place, the next letdown. They are abused and neglected long before they ever reach our abusive and neglectful foster care system and once in, things often only get worse.

Children are dying, Mr. Speaker, inside and out, and it is our fault. There is legislation now waiting in the Senate to help expedite interstate placement of foster children, and within its narrow focus this bill will do some good on the margins of some cases. I am proud of what little I have been able to accomplish for these children over the years, but in truth, I have only moved molehills, not mountains.

So I leave you today not by asking that one take up this cause, but by asking that all of you do. That you listen to the stories of these children and

the stories that they tell and study the broken system we have created for them and help them, for God's sake, help them.

I ask this of Republicans and Democrats alike, not in the name of bipartisanship but in the name of principle, which brings me back, Mr. Speaker, to those memorials and those statues.

The great Americans honored here in bronze and marble, the heroes of our history and the ghosts of these halls were not made great because of what they were but because of what they did. George Washington and Abraham Lincoln have almost nothing in common with Junipero Serra and Jack Swigert, except the choice they each made, to live, to fight and even to die in the service of freedom. We honor men with monuments not because of their greatness or even simply because of their service, but because of their refusal even in the face of danger or death to ever compromise the principles they served.

Washington's obelisk still stands watch because democracy will always need a sentry. Jefferson's words will still ring because liberty will always need a voice. And Lincoln's left hand still stays clenched because tyranny will always need an enemy. And we are still here, Mr. Speaker, as a House and as a Nation because the torch of freedom cannot carry itself.

Here on this floor, I have caught and thrown spears of every sort. Over the course of 22 years, I have probably worked with and against almost everyone in this Chamber at least once. I have scraped and clawed for every vote, every amendment for every word of every bill that I believed in my heart would protect human freedom and defend human dignity. I have done so at all times honorably and honestly, Mr. Speaker, with God as my witness and history as my judge. And if given the chance to do it all again, there is only one thing I would change. I would fight even harder.

This place has given me so many memories, so much life. For 22 years, I have served the best I knew how. In this House, I have found my life's calling and my soul's savior. Eight years ago, I witnessed evil in the murder of two Capitol Hill police officers, one just outside my office and another, a very dear friend on my protection detail, inside my office itself. And 5 years ago, I witnessed unparalleled courage as their surviving comrades stood at their posts inside this building during the frantic evacuation on 9/11. They are around us every day, the Capitol Police force.

I tell you, those police officers are Members' and staffs' own personal army of guardian angels. They are the bravest men and women serving under this dome, and I offer them now, one more time, my great respect and admiration because believe it or not, Mr. Speaker, this is a happy day for me, though admittedly perhaps not as happy as it is for some of our old friends on the other side of the aisle. But nothing, not this retirement, not tough losses or old wounds, can detract from the joy that I feel and the blessings I offer to this House and its Members.

I say good-bye today, Mr. Speaker, with few regrets, no doubt. And so with love and gratitude for friends and foe alike, patriots all, I yield back the floor of our beloved House. And I exit as always, stage right.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5252, COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the vote on adoption of House Resolution 850, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 262, nays 151, not voting 19, as follows:

[Roll No. 237]

YEAS—262

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—151

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson
Case
Cleaver
Conyers
Cooper
Costello
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—19

Bono
Davis (FL)
Edwards
Evans
Gibbons
Gillmor
Harris
Kingston
Kirk
LaTourette
Manzullo
Moore (WI)
Nussle
Paul
Peterson (PA)
Pryce (OH)
Reyes
Strickland
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1756

Mr. CLEAVER and Mr. BROWN of Ohio changed their vote from ''yea'' to ''nay.''

Messrs. MARSHALL, RAHALL, CLAY and FORD changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. PRYCE of Ohio. Mr. Speaker, on the legislative day of Thursday, June 8, 2006, the house had a vote on rollcall 237, on H Res. 850, providing for consideration of the bill (H.R. 5252) to promote the deployment of broadband networks and services. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 5252 and to insert extraneous material on the bill.

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

There was no objection.

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 850 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5252.

□ 1758

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5252) to promote the deployment of broadband networks and services, with Mr. PRICE of Georgia in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I enthusiastically bring the general debate for H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006, to the floor of the House of Representatives. The process in getting the bill to this stage has been long, has been fruitful, and, in my opinion, it has been fair. It has involved more than a year of hearings, as well as staff and Member-level negotiations. That process has clearly borne, I think, positive fruit.

We come to the House today with a bill that has received overwhelming bipartisan support in both the subcommittee and the full committee. The bill passed the subcommittee by a margin of 27–4, with all Republicans voting for it and two-thirds of the Democrat minority party voting for it. In the full committee it was reported by a margin of 42–12, again all Republicans voting for it and a majority of the Democrats voting for it.

The primary focus of this legislation is to create a streamlined cable franchising process in order to increase the number of facilities-based providers for video, voice, and data services everywhere in our great Nation.

Today, there are thousands of local franchising authorities. Each may impose disparate restriction on the provision of cable service in its specific franchising area. The requirement to negotiate such local franchises and the patchwork of obligations that local franchising authorities impose are hindering the deployment of advanced broadband networks that will bring increasingly innovative and competitive services to all of our constituents.

The United States does not even rank in the top 10 of the nations of the world in broadband deployment. This bill should change that statistic.

H.R. 5252 seeks to address this concern and strike the right balance between national standards and local oversight. It would allow the negotiation of local franchises, but make available an alternative national franchise process.

□ 1800

Moreover, the national franchise preserves local franchise fees, municipal control over their rights-of-way, and support for their Public Education and Governmental channels that so many of our Members are strongly in favor of.

The bill also seeks to strike the right balance between ensuring the public Internet remains an open, vibrant marketplace, and ensuring Congress does not hand the FCC a blank check to regulate Internet services, an action that I believe would have a chilling effect on broadband deployment, especially broadband innovation. We need the FCC to stop the cheats without killing honest creativity. We don't need anybody to be the first Secretary of the Internet.

Finally, the bill addresses rules for voiceover Internet protocol services, or VoIP services, to ensure that the Internet voice services become a vibrant competitor to what we call plain old telephone service.

I want to thank Congressman RUSH for his cosponsorship, Subcommittee Chairman Mr. UPTON for his cosponsorship, Vice Chairman CHIP PICKERING of Mississippi for his leadership, and all the members of the committee and the subcommittee on both sides of the aisle who have cosponsored this bipartisan legislation with me.

I would urge my colleagues to support this bill and look forward to a vigorous debate on the amendments that have been made in order by the Rules Committee.

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

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

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

Mr. DINGELL. Mr. Chairman, I rise in opposition to this measure. It is a bad bill. It does nothing except take care of the special and the vested interests. The baby bells, the telephone companies, and the cable operators are going to cut a fat hog. The consumers are able to anticipate only a few things: One, they are going to get worse service, probably less competition, and almost certainly increases in rates.

Consumers are going to see their cities lose control over their streets and roads to, of all things, the Federal Communications Commission, one of the sorriest of the Federal agencies, and an agency which has neither the staff time nor willingness to address the important questions that are going to be conferred on it by this legislation.

In addition to that, the FCC is going to be clogged. There is going to be deadlock and absolute chaos in that agency because of the total lack of that agency in addressing the serious questions regarding administration of highways, streets, roads, and use of public facilities belonging to cities, counties, and States.

It would be a wonderful argument, which is made by the proponents of this bill, that it will lower cable bills and bring consumers choice. What a wonderful argument, if only it were true. This bill is going to harm our consumers, harm our citizens, and harm commercial users of the Internet.

First, with regard to consumers. The bill will leave many consumers paying higher prices for cable services. There is no general promise of lower prices. In fact, the telephone companies, and listen to this, have been telling Wall Street that the price they get for their services will be higher than cable. That is the competition we are going to see under this legislation.

Worse, the bill is a blow to the universal service principles which Congress has insisted on since 1927. The bill abandons current law that in exchange for the use of public property cable operators are required to serve all consumers, all consumers in the franchise area. Both new and existing cable providers will, under this bill, be allowed to cherrypick and skim cream,

serving only attractive neighborhoods and the highest value of consumers in the way that best suits their balance sheets. The rest of us will only be left without competitive choice, but we very well can face higher cable bills, worse service qualities, or even withdrawal of our only provider.

The bill's redlining provisions focused on income is too weak to offer any real protection against discrimination, which is why the leadership conference on civil rights opposes it. The bill does not stop cable operators from offering inferior service based on a person's race, color, religion, national origin or sex.

Second, communities find that this bill inexplicably takes control over local rights-of-way. And as I mentioned, hands them, of all things, to the FCC. Now, the FCC knows about as much on street and sidewalk repairs and local traffic patterns and other local concerns as it does about astrophysics, yet the bill lets the FCC overrule the cities with regard to the management of their property. This is the reason that the League of Cities, the Conference of Mayors and the National Association of Counties oppose it.

Citizens and commercial users of the Internet will find a third reason to oppose it. This bill does away with network neutrality. It is something in which there should be no mistake. Telephone and cable companies will be able to operate as private tax collectors to single out certain Web sites to pay extra fees, to make extra benefits, and get extra privileges. Small and large business schools, libraries, ordinary citizens running Web sites will get shut out of this fast lane unless they are willing to pay a lot more. This could significantly alter the open and innovative Internet that the government has, until now, protected.

If you want a bad piece of legislation, Mr. Chairman, we are looking at it right here. It is going to hurt people. We could have written a good piece of legislation but, regrettably, did not. We have before us, then, a piece of the purest special interest legislation, something which will benefit the few at the expense of the many, something which is rather worthy of this Republican-led Congress.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to a member of the Energy and Commerce Committee, a strong supporter of the bill, the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Thanks, Mr. Chairman.

Mr. Chairman, I rise to support H.R. 5252, the COPE Act. Today's communications networks have become national and international in nature, therefore it does not make sense to still require companies to provide video services to meet varying requirements in tens of thousands of different areas.

We have seen evidence and heard stories of the months and years it takes to get any one individual franchise, and in some cases video providers must get dozens of individual franchises to service one area. All that does is slow down competition.

This bill also helps get the next generation Internet to consumers with the ability to provide voice, data, and now video, telecommunications companies will be able to develop and increase their infrastructure and provide better and cheaper services.

This is one of the most pro-consumer bills to come to the floor this year, and we need to make sure that the President signs video voice legislation this year. I urge all my colleagues to vote for the COPE Act.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise today in opposition to H.R. 5252, the Communications Opportunity Promotion and Enhancement Act of 2006.

Simply put, I support the ends but not the means with respect to this legislation. The goal of increasing competition in the video communication market is worthy. Indeed, it is of great importance. We know that robust competition can improve customer services, reduce pricing, and spark innovation and technological advances. This House is right to take on this critical and timely subject. But I am disappointed the drafters felt the need to use a national cable franchise as the means to achieve these laudable ends.

I see numerous examples of telephone companies, small and large, entering into successful negotiations with local franchise authorities, and I believe that we can encourage new entrants and new competition without moving to a federally managed national franchise.

But, Mr. Chairman, despite my reservations about the national cable franchise, I might view this model more favorably if the legislation contained adequate safeguards and requirements to ensure that the benefits of increased competition are shared as widely as possible. Unfortunately, this is not what happened in committee when we marked up this legislation and we were denied the ability to bring our amendments to improve the bill to the floor this evening.

Instead, H.R. 5252 backs away from the tenet of universal service to all citizens, which has been a fundamental principle of our Nation's communication policies for over 70 years. And while anti-redlining language is included in the bill, other provisions in the bill render it toothless.

The legislation also strips the States and localities of their authority to both establish and enforce consumer protections and customer service standards. It makes the FCC the final arbiter of local rights-of-way disputes.

Most disappointingly, the bill does little to protect what we call the neutrality of the Internet. Neutrality has become crucial to the development of innovative and competitive broadband content and services.

I urge my colleagues to reject this legislation.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to a member of the full committee and the distinguished Chairman of the Veterans' Committee, Mr. BUYER of Indiana.

Mr. BUYER. Mr. Chairman, I commend Chairman BARTON and Chairman UPTON for their leadership, along with my colleague, Mr. RUSH, from Chicago, and others.

This came out of the subcommittee 27–4, a majority of the minority Democrats of the full committee supported this legislation. So this is an overwhelmingly bipartisan piece of legislation that is very exciting for the American people because it outlines the principles of free, open, market competition. It continues to spawn the technological renaissance that will benefit consumers and lower price.

We are talking about things today that weren't even around when we did the Telecommunications Act of 1996. Telephony? IPTV? We didn't even know those terms. As a matter of fact, when compression technology came along, we thought the future in 1996 was about voice. We got it wrong. It is about voice, video, and data, and that is what we have today on these cell phones.

So when we talk about delivering of video services, the landscaped has changed. Congress has to change. We need to get out of the way. We need to deregulate. If you have to regulate, do so on parity and be technologically neutral.

I commend the chairman.

I do not support the Markey amendment.

Mandated neutrality standards do nothing more than squelch innovation, stifle competition and undermine broadband deployment.

Anytime the government attempts to legislate a "potential" problem it ends up either, at best in years of litigation, and at worst with a regulatory framework that does nothing to help this country.

Currently, at great expense, large and small companies across the country have invested billions of dollars to lay fiber in an effort to provide wanted services to their consumers. Any attempt for government to then restrict their ability to potentially charge for the use of these pipelines acts as a disincentive to continue to deploy, or maintain current access.

Even now, consumers choose different tiers of access to the Internet—I don't see how it can be fair to charge the same rate to one consumer who merely wants to use the internet for sending and receiving emails and another who is actively downloading a multitude of songs, videos, and television shows. The same goes for web sites that demand the use of large amounts of data, such as a video sharing site, or a music download site. In an effort to provide the fastest and most efficient service, should we be blind to those who paid and labored to place the fiber in the ground?

It seems inequitable and counterintuitive to the pro-market principles from which this nation has benefited.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding this time to me. I rise in support of the bill and I urge its approval by the House.

In my view, it will bring urgently needed competition to cable television and benefit consumers nationwide with more varied program offerings and the better pricing that competition inevitably brings.

The bill also opens the door for local governments to offer commercial telecommunication services, filling the gap where broadband is either not available or is available but is priced beyond the reach of residential subscribers and the small business community.

The manager's amendment contains provisions I recommended that will assure fair treatment for electric utilities and telephone companies in pole attachment pricing, and I want to thank the gentleman from Texas (Mr. BARTON), who chairs the full committee, for his assistance with that provision. And the bill will assure that consumers who desire to purchase a freestanding broadband service can do so without having to buy telephone or cable service from the broadband provider.

I also urge support for the net neutrality amendment that the gentleman from Massachusetts (Mr. MARKEY) will be offering. It is essential to preserve the Internet as a platform for innovation. Broadband providers plan to create a two-lane Internet, a fast lane for their own content and for others who can pay for fast-lane access, and a slow lane for everyone else. That plan fundamentally changes the character of the Internet and would eliminate the openness and the accessibility that have enabled the Internet to be a platform for innovation unequaled by any advent in American history.

□ 1815

I will have more to say about that when the Markey amendment is offered, but I want to take the opportunity during these remarks to say that the net neutrality amendment is fundamental, and I strongly urge its adoption when it is offered.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I rise in support of H.R. 5252. This legislation will permit us to move the video franchising process into the 21st century. The concept of a national franchise is needed to make the U.S. concurrent with the global nature of telecommunications by enabling competition to enter the market and build tomorrow's communications network in a timely manner.

There are more than 30,000 individual franchise authorities in the United States. If telecom companies have to negotiate with each and every one of these, it will be a very long time before they get around to addressing video franchises for rural areas such as the one I represent in Louisiana. Video competition will increase access for these rural Americans and drive new innovations like telemedicine and distance learning. We can greatly accelerate that process by creating a national streamlined method for video entry.

Let us not miss this opportunity to allow the marketplace to thrive and usher in a new era in technology.

Mr. MARKEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member of the Telecommunications Subcommittee for yielding me this time.

Mr. Chairman, I want to start out by saying, here we are again. I remember being a conferee on the 1996 telecommunications bill. It does not seem like it was a decade ago, but it was.

That bill, if my colleagues will recall, was designed to create telephone competition for the Baby Bells. But instead, it resulted in the babies eating the mother.

There is something monopolistic in the air here. And if any Member of the House is trying to make up their minds about what to do with this bill, I want to tell you something, if you like monopolies, you will love this bill because they are at it again.

In 1996, they signed onto and said these are the rules that we are going to play by. Local competition, boy, that went out the window.

Then they came on again and wanted something else. Now the telephone companies want to go for the golden goose of the American economy, and that is the Internet.

What should be built into this bill is net neutrality. But I want to say a few other things about the bill. It is flawed in other ways. It really turns local control on its head. Local governments across the country have weighed in. Mayors have said these are not good rules for us.

I came from local government. I have a deep regard for it. We can do much better by the cities and mayors in our communities. We can do much better about the rules in terms of build-out in our country. We should not in the 21st century be drawing lines around who is in and who is out. That is not where America is at its strongest and its best.

This is a flawed bill, and we have to remember, all of us, that the Internet has been the key driver of the American economy. And to have the telecoms come after it and reconfigure it, reshape it to their liking, is something that is an echo of the past, their past behavior. We should not allow that.

So I am urging my colleagues in this general debate to reconsider what it is you are considering because this is not the best legislation for the people of our country. We can do much, much better.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I wish to propound a parliamentary inquiry.

I would like to yield 10 minutes to my Democrat sponsor, Mr. RUSH, to control in the general debate in the Committee of the Whole. Is that possible, or how might I do that?

The CHAIRMAN. The Chairman of the Committee of the Whole may not entertain a request to change the scheme for control of general debate ordered by the House.

Mr. BARTON of Texas. So I can't do it.

The CHAIRMAN. Under the rule, the gentleman from Texas must be the one to yield the time, and the Chair cannot entertain a request to change the scheme for general debate from the established by the special order of business in House Resolution 850.

Mr. BARTON of Texas. Mr. Chairman, in that case, I yield 2 minutes on behalf of Mr. RUSH to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, first of all, I need to thank the chairman, my neighbor in Texas, as well as Mr. RUSH, my dear friend and colleague.

I want to express my support today as we move forward on the COPE Act. This bill will make necessary changes to the Nation's cable laws to ensure that for the first time we have a fully open national market for cable services. This will allow not only the major phone and cable companies to compete against each other in provision of video services to average Americans, but will allow countless new companies to quickly enter the cable television market and offer their services. This will not only drive down prices for every American, but it will undoubtedly result in countless unforeseen new services and technologies to be offered to Americans.

Mr. Chairman, the telecommunications industry is the most dynamic industry in this country. Every day new technologies are introduced that have the potential to dramatically expand the opportunities for average Americans to have access to new sources of information, new forms of entertainment, and new ways to communicate with each other. These changes have become so rapid with so many implications to both business and public policy that the political process has simply failed to keep up.

This bill reflects, in my view, how Congress should best handle the revolutionary changes that are occurring in telecommunications. It should let the marketplace work. Mayors, regulators, and Members of Congress simply do not know in advance how all of the revolutionary changes in telecommunications will turn out. For us to attempt to do so, whether under the guise of net neutrality or any other slogan, is both foolish and dangerous.

Rather, we should aim, as this bill does, to relieve unnecessary barriers that prevent a full national market to

develop and leave the ultimate decision-making process to the engineers, the businessmen and, most importantly, the consumers of our country.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, until August of last year, broadband Internet providers were considered common carriers under the law, with a legal requirement to carry all traffic equally.

A series of FCC decisions and the Supreme Court's decision to them changed all that, turning broadband services into unregulated ''information services.''

Why is this important? In my district in Silicon Valley, everybody uses the Internet and knows that you have to have net neutrality. They cannot believe that we would even consider changing that rule.

So what does ''common carrier'' mean? For those of you who don't use the Internet a lot, common carrier is a concept that is quite old. What it really means in exchange for rights to use public ways: you agree to carry all passengers on the same terms. If you get on the bus, a common carrier, you are charged a fee; but the bus company cannot charge more to women than it can to men, and that is really the equivalent of what we are talking about here.

The phone company consolidations have meant that most Americans have one or at most two choices for their broadband service provider. What that means is that we are going to have a duopoly or a monopoly unless we have net neutrality rules that will stifle the Internet. It will turn the Internet into the equivalent of cable TV. That is not going to be good for innovation.

Google is a multi-billion dollar corporation that was founded in a dorm room by two Stanford students. They had an opportunity to be successful because they were not screened out at the very beginning by incumbents who paid for access. That is about to change unless this House adopts net neutrality rules.

Some of the phone companies have suggested that there is a free ride. What they have failed to point out is that the phone companies are paid an enormous amount of money, just like the bus company is, for use of their services. What the net neutrality rules say is you cannot differentiate.

I would just like to say we want to go on seeing the girl in the funny hat making lemonade. Don't make us watch Robin Williams's cousin making bacon juice instead.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN), a very valuable member of the subcommittee.

Mrs. BLACKBURN. Mr. Chairman, I want to thank our chairman for the good work on the bill, and I want to encourage my colleagues to support this legislation tonight.

My colleague, Representative WYNN, and I began working on the effort to streamline this Nation's franchising rules more than a year ago when we introduced the Video Choice Act. It has been a pleasure to work with him on the issue.

We knew that government regulations were keeping prices high for American consumers; and when I spoke earlier today during debate on the rule, I talked a bit about how competition helps lower prices. I have a chart here to help make that point. This data demonstrates consumer price changes over the past 7 years. Here is the Consumer Price Index. Now take a look at what has happened with cable prices over the past 7 years and how they have soared. This blue line right here is our long distance prices, and then our wireless prices are the green line. So you can see how dramatically our video or cable pricing has outpaced the Consumer Price Index.

Mr. Chairman, the COPE bill will bring competition. It will help lower prices. It will help all entrants, including the little guys, like Ben Lomand Telephone Cooperative in McMinnville, Tennessee.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in opposition to H.R. 5252. I regret that leadership did not allow votes on key amendments important to municipalities and community television.

Each of us wants more competition in video. That can happen today. There is no legal impediment to a telephone company offering video over its lines. There are two towns in Maine wired for video, but the service has not been turned on.

If the current local franchising regime is as cumbersome as the phone companies say, then let's figure out a way to streamline the process. The municipalities are open to streamlining. We should negotiate a consensus bill involving all of the stakeholders.

Unfortunately, this bill did not follow that process. Twice the Committee on Energy and Commerce on which I serve struck bipartisan deals that gave all stakeholders a voice in the legislation; and twice the bipartisan deals were scuttled by external forces that preferred a divisive bill to a consensus one.

My substantive concerns are threefold:

First, local control. The current cable franchising process gives communities the ability to meet their needs. Municipalities can ensure that every resident gets service and that access to public access channels. They retain management of public rights-of-way.

This bill goes too far by federalizing the process of streamlining. It makes the FCC the arbiter of consumer complaints, for example; and the FCC has neither the resources nor expertise to do that.

Second, universal access. The new video providers have been honest. They are going to the swanky neighborhoods first. Maine is a rural State. Without a build-out requirement, companies are free to ignore northern and eastern Maine.

□ 1830

If we abandon universal access, we will leave rural areas behind.

Third, net neutrality. I support the Markey amendment. Allowing toll booths on the Internet will undermine the freedom of the Internet and hurt consumers.

Lastly, any franchising bill that becomes law should include reform of the universal service fund to bring broadband and video competition to rural and underserved counties.

I urge defeat of the bill.

Mr. UPTON. At this point, Mr. Chairman, on behalf of Mr. RUSH, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, the COPE Act is a complex piece of legislation with a simple purpose, granting a nationwide cable television franchise to provide competition.

Today, cable television is a series of local monopolies. Only 2 percent of the United States has competition, companies that those local franchises are aggressively marketing, Voice Over IP, telephone service, broadband, and giving them a triple play of video, broadband and voice services at a flat monthly rate.

In Houston, that monthly rate is about $100 and you can get digital cable, high speed Internet and unlimited telephone calls from the cable company. To compete with the cable's triple-play monopoly, telephone companies need to spend billions to upgrade their networks to carry the high-definition cable television service and faster broadband.

The FCC has found that cable television rates drop 40 percent after competition. And that doesn't even factor in the consumer benefits from the triple play, so to speak, that you add, also the cost savings from telephone Internet and high speed cable service, definition service.

As a result, we should support granting national franchises for cable television service to spur competition. If we stick with local franchises, then there will be much less cable and triple-play competition.

The purpose of the bill is great, and I have had a number of concerns about the district I represent that is not a wealthy area. These concerns have been addressed.

For example, franchise areas are defined as they are today that would prevent telephone companies from cherry-picking areas out of existing franchises. This means that the bill's redlining provisions, drafted by my colleague from Illinois, BOBBY RUSH, would stop companies from picking and choosing the areas they want to serve. I would have preferred Mr. DINGELL's

approach, but again we don't have that opportunity, and it didn't pass in committee even though I voted for it.

However, I still strongly support the legislation because we have had several discussions with our local telecom company about their plans for competition in my area. As a result, I am confident that the build-out will increase in all areas of Houston, and they are not just going to go to the high-income areas; they will come to my low-wealth and my middle class area.

Mr. Chairman, I would like to place my full statement into the RECORD, and I would hope that this would be a compromise bill. I am sorry that our leadership and the committee didn't work it. But some day, hopefully, it will be the Barton-Dingell bill again.

Mr. Chairman, the COPE Act is a complex piece of legislation with a simple purpose: granting nationwide cable television franchises to provide competition.

Today cable television is a series of local monopolies—only 2 percent of the U.S. has competition.

Companies with these local franchises are aggressively marketing VOIP telephone service and broadband, giving them a ''triple play'' of video, broadband, and voice services at a flat monthly rate.

In Houston, for $100 a month, you can get digital cable, high speed Internet, and unlimited telephone calls from the cable company.

To compete with cable's triple play monopoly, telephone companies need to spend billions to upgrade their networks to carry high-definition cable television service and faster broadband.

The Federal Communications Commission has found that cable television rats drop 40 percent after competition and that doesn't even factor in the consumer benefits of the triple play.

As a result, we should support granting national franchises for cable television service to spur competition. If we stick with local franchises, then there will be much less cable and triple play competition.

The purpose of the bill is great, but I did have a number of concerns about this legislation and its effects on the middle-class folks in my district. These concerns have been addressed.

For example, franchise areas in the bill were defined as they are today, which would prevent telephone companies from cherry-picking areas out of existing franchise areas.

This means that the bill's anti-redlining provisions, drafted by Congressman BOBBY RUSH, will stop companies from picking and choosing the areas they want to offer service.

I would have preferred the approach by Mr. DINGELL, which would have set reasonable, flexible guidelines for companies to build out their networks and offer new services.

I wish we could have considered Mr. DINGELL's amendment today, and I am disappropriated that the Rules Committee rejected it.

They did a disservice to one of the most knowledgeable, respected Members in the history of Congress.

However, I can still strongly support this legislation because we have had several discussions with our local telecom company about their plans for competition in the Houston area.

As a result of those conversations, I am confident that buildout is going to increase in all areas of Houston and that they are not going to discriminate against our middle class and low wealth areas.

To all members who are concerned about the impact of this legislation on your district, I encourage you to contact your incumbent telecom company and meet with their local staff responsible for deployment, not just the DC staff. I think you will be happy with what you hear.

Cities are also concerned with their interests in franchising, but many of these concerns have been addressed. Cities will not lose any revenue as a result of this bill. The COPE Act allows 5 percent franchise fees and 1 percent public access fees.

Cities will also not lose any right-of-way control and to make sure, I included an amendment in Committee to require companies to certify in writing that they will obey local right of way rules.

I do regret that the usual bi-partisan telecom process between the leadership of our Committee has temporarily broken down.

Today is not the end of the road, so I hope this can still become a Barton-Dingell bill or a Dingell-Barton bill before all is said and done.

Mr. MARKEY. I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Massachusetts for his leadership on all of these issues.

Net neutrality would maintain the free and open Internet that exists today. This bill simply does not protect the right of consumers to a wide array of information and entertainment sources.

The Markey amendment would provide those essential protections by outlawing sweetheart deals between network operators, like the phone or cable companies, and Internet content providers.

Without net neutrality, buying company A's phone service might restrict you to Google and deny you Yahoo, might deny you CNN.com and only give you FoxNews.com.

American consumers deserve choice, whether they choose to use the Internet giant Google or the new start-up search engine. This amendment is about consumer choice. This amendment is about market competitiveness.

I urge you to join me in support of the Markey amendment in opposition to the bill.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to a member of the Energy and Commerce Committee, the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I do want to thank Chairman BARTON, chairman of the Full Committee; and the gentleman from Michigan, who is the subcommittee chairman; as well as Vice Chairman PICKERING. And also we have enjoyed the bipartisan support from BOBBY RUSH on our committee.

This is truly a bipartisan product that was forged together after countless hours of negotiation. Its recent passage out of the Energy and Commerce Committee by a vote of 42–12 only underscores this point.

Mr. Chairman, I represent a district in north Texas, and there is a community within that area in north Texas named Keller. Keller, Texas, a very forward-thinking town of over 36,000 people. Keller is home to Verizon's first fiberoptic television system. What has happened since the fiberoptic system was introduced in the Keller market is that prices for cable TV are now 25 percent lower than they were before the entry into the video market. New services, new technologies, lower prices.

Consumers now have a choice, and over 30 percent of the market has signed up for this new fiberoptic service from Verizon. Clearly, people want choice. The citizens of Keller not only have access to one of the best telecommunications networks in the world, and a choice of providers, but they also get much better services at competitive prices.

What is even more intriguing is about a third of those new video customers were not previously cable customers. That means that these customers now are a new source of franchise fee revenue for the city of Keller.

Mr. Chairman, it is no accident that every member from Texas on the committee supports this bill. This past year the State of Texas passed legislation similar to that which we are considering here, removing the franchise fee from the local level. Texas is now at the forefront of video competition.

I sponsored H.R. 5252. I voted for it in committee. I will vote for it on the floor. I urge my colleagues to support this commonsense legislation as well.

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

This is a historic bill. Without question, the Republican majority is not respecting the importance of the issue.

Tonight, we will have a debate on net neutrality that will last 20 minutes, 10 minutes on either side. That is, without question, a disgrace. We debate week after week out here on the House floor, namings of post offices that each get 40 minutes. Here we are talking about an engine of economic growth which has transformed our economy and the global economy over the last 15 years. And it has done so with provisions which guaranteed nondiscrimination to the smallest players being able to enter with their ideas and communicate across our country and across the globe.

What the Republicans are doing tonight is they are refusing to have a debate on who is going to be benefited

from it. That is, will the telephone companies be responsible for building-out across all communities? Their bill says you don't have to, and they won't allow us an amendment out here on the floor so that we can have that debate.

Will there be redlining? We believe there should not be. The Republicans refuse to allow HILDA SOLIS's amendment out here on the floor so we can have a full debate on it.

Will there be a bill that passes tonight which is defeatist in terms of entrepreneurs and equal access, democratization of access to opportunity because of access to this new technology in every part of the community? Or will it be a bill that has a future orientation, looking ahead over the next century as to who Americans are going to be, what the nature of our economy is going to be in terms of these entrepreneurs playing this change agent role? Or will we have this bill that has been put together behind closed doors with the most powerful three or four companies in America, the telephone companies who had nothing to do with the construction of the Internet?

Mr. UPTON. Mr. Chairman, on behalf of Congressman RUSH, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), an able member of the subcommittee.

Mr. WYNN. Mr. Chairman, I thank the committee chairman for his leadership, the subcommittee chairman for his leadership, as well as Mrs. BLACKBURN of Tennessee who worked with me on the Video Choice Act which was somewhat of a precursor to this bill.

I want to say, first of all, that this bill is not about net neutrality. The Google crowd, the Internet crowd does not care about cable rates. But this bill is about cable rates. And what we know today is that cable rates are too high in America. We know that consumers are paying as much as 80 percent increases over the last years in cable rates, and so that is what this bill seeks to address. It addresses it by trying to create more competition. And there is no disagreement that if we had more competition in video services we would have lower cable bills.

Now, there are new companies, telephone companies and other companies, that want to come into the market. But under current law, they have to negotiate hundreds of thousands of individual agreements with local governments. That is why we don't have more competition.

This bill creates a national franchise and says we can bring in new entrants to provide competitive services and lower prices. What happens with this? Well, we do protect the local communities because they still receive franchise fees from new entrants. We protect their rights to control their rights-of-way.

We also have antidiscrimination to protect against redlining. We have language that says that if you discriminate, you can and will be punished and penalized. So I think this is a very good bill that addresses the fundamental issue, which is cable rates.

Let me turn for a moment to net neutrality. Understand, there is only finite space within the network. Everybody can't travel at top speed at the same time, so there has to be some differentiation. And ultimately, the issue is who will pay. Will the consumer pay, or will the content providers pay? That is the Google and the Internet and the innovators that they talk about. Those innovators, those people would rather have the consumer pay if there has to be a differentiation, if you want ultra-high speeds, if you want excessive amounts of the bandwidth.

I believe net neutrality is not a relevant issue here. I believe that we have a solid bill that addresses the fundamental concern, which is reducing cable rates. We have an opportunity to do something very good for the American people, and I think we ought to do it and pass the COPE bill.

Mr. MARKEY. I yield 3 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman and Members, today I rise again in strong opposition to this bill. I support the efforts to increase competition in the video marketplace.

Greater competition, as we know, will inevitably help to create jobs and provide for lower consumer costs. But we must also make certain that benefits derived from a streamlined franchising process benefit consumers and not just the telecommunications industry.

The bill doesn't go far enough, in my opinion, to ensure that all communities have access to broadband Internet. Although the broadband access has increased greatly in recent years, the digital divide remains a reality in communities like mine, the ones that I represent in Los Angeles County in California.

In fact, in 2003, a study by the Pew Foundation found that those least likely to have broadband Internet access at home are the poor, the older, less educated and Latinos and African Americans; 60 percent of the constituents I represent in my district happen to be underserved Latinos.

While Latinos are the fastest growing demographic group of online users, only one in eight Latino households has access to broadband services.

Eleven Hispanic Members of this Congress and numerous civil rights organizations, consumer and Latino advocacy organizations weighed in in strong support of such language, including the Leadership Conference on Civil Rights; the Mexican American Legal Defense and Education Fund, known as MALDEF; the National Conference of Hispanic State Legislators; the Hispanic Federation; the National Puerto Rican Coalition; and the National Hispanic Bar Association. That is why these groups are urging a ''no'' vote on the bill.

The bill also weakens, in my opinion, consumer protections without providing strong enforcement for consumer rights. We should ensure that all States and localities retain the ability to establish consumer protection standards for video services. No one here knows the needs of the residents that I represent in Los Angeles, El Monte, West Covina, and other cities that I represent.

In fact, this week I received numerous letters that I will submit for the RECORD from cities in my district, including the City of Los Angeles, the newly elected mayor, Mayor Antonio Villaraigosa, urging me and others to oppose the bill.

I share with my colleagues' goals of passing legislation which promotes an increased competition, lower prices, improves the quality and access to developing brand-new services that help all consumers. But the digital divide, Members, remains a reality for many constituents in my district and many others across this country. We should not let this opportunity pass without addressing this fact. I would ask that we not let this opportunity pass without addressing the fact in an effective manner.

I urge my colleagues to oppose the bill. Furthermore, I would like to say that while we have had numerous discussions outside of the committee room regarding this bill, I still have not heard from the telephone companies and others that they would like to see strong language put in the bill to provide for protection so that we don't exclude communities like mine that I represent.

□ 1845

I am disheartened when I hear that there is a possibility that they will come into Los Angeles, but they will go around East Los Angeles and they won't attend to those constituents that I represent.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, rural America needs broadband now more than ever. The information society is in full swing with an abundant amount of choices and access to the infinite sources of information, yet there are those who may not have the same access to information and will therefore be left out in the cold.

As we move away from dial-up Internet to broadband via cable modem, DSL, satellite, and fiber-based networks, Congress should be enacting legislation that encourages broader network deployment. Without the proper economic incentives and regulatory environment, rural America will be left behind when the next generation networks are built.

That is why we must pass the COPE Act tonight. Not only does COPE open competition in the video market, but it also includes the proper regulatory light touch and the right incentives to

foster the deployment of advanced networks. More importantly, it creates incentives to build out these networks without the spending of government funds.

It is time to pass this bill and get broadband deployment moving in the right direction, the direction of rural America.

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

Mr. UPTON. Mr. Chairman, I would yield on behalf of Mr. RUSH 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in support of the COPE Act. Fundamentally, it is all about promoting greater competition in the video service industry, what we often call cable, but is no longer limited to that delivery system.

We have all heard the complaints from our constituents about the rising cost of cable. For part of my district, the fact is there is no competitor to cable. Satellite TV signals can't magically go around tall buildings nor pass through them to reach someone on the other side. The COPE Act will speed competition into the video service industry and drive down prices.

I am also pleased with the VoIP provisions of the bill. I was an early proponent to require emergency 911 services for VoIP providers. I am also pleased that we cleaned up the rules for VoIP providers to interconnect, thus providing the same level playing field that C–LECs enjoyed. Finally, I was pleased to offer language requiring disabilities access with my colleague from Washington (Mr. INSLEE). With the support of Chairman UPTON, we have ensured that disabled Americans will be a full part of this broadband resolution.

We will consider a number of amendments today, some I will support because I believe that they will make this a better bill. I would have voted for the Baldwin and Solis amendments if they had been allowed to be put forth. Nevertheless, we start with a good base bill, and it will have my support on final passage regardless of which amendments pass. We have before us a bill that seeks to update our laws to keep pace with new technologies and new market realities.

Mr. MARKEY. Mr. Chairman, I continue to reserve my time.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from the Buckeye State, the chairman of the Financial Services Committee, Mr. OXLEY.

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

Mr. OXLEY. Mr. Chairman, it seems like old times debating a telecommunications bill. It has been a while since I had that opportunity, and I see some familiar faces on both sides. I first want to congratulate my good friend from Michigan for his concerted efforts on this legislation as well as Chairman BARTON and other members who have worked on this legislation.

This is a good solid follow-up of the 1996 Act. It recognizes market forces, it gets government out of picking winners and losers. I chair the Financial Service Committee now, and there have been some arguments about whether the net neutrality issue that the gentleman from Massachusetts will be offering will be a boon for the financial services industry. I am here to say that the financial services industry understands competition, they understand choice, they understand how markets work, and the folks that are represented in that financial services community will benefit by this legislation without the Markey amendment, and that is what is important to keep in mind.

This has been a great effort. I congratulate again all those who have put this bill on the floor today.

I rise in strong support of H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006.

I've been a believer in the power of competition in telecommunications since I came to Congress 25 years ago. The move from government regulation to market competition has totally changed the telecommunications landscape, and the consumer has been the big winner. There are more products, services, and choices than ever before.

I remember people looking at Congressman RICK BOUCHER and me like we were nuts when we first introduced a bill to allow telephone and cable companies to compete with each other. Since then, satellite TV and the Internet have joined the act and we have more channels than we know what to do with.

Some saw the spectrum auctions as a heretical idea. But they helped give birth to the cell phone industry, and now there's a kiosk in every mall begging for your business. Along the way, those auctions brought in billions of dollars for the U.S. Treasury and our own budgeters.

I was on the conference committee for the Telecommunications Reform Act of 1996, and the law has done a lot to promote private investment and consumer choice. But I'm not sure we ever fully broke the regulatory mindset at the bureaucratic level.

Ten years later, we're at the point where we need to see more investment in the advanced telecommunications systems vital to our international competitiveness. We trail some of our hungriest competitors in broadband deployment. And by next year, China may have more broadband subscribers than the United States.

There are still too many regulatory impediments holding back competition. H.R. 5252 does a good job of removing them, so we can unleash private capital on this national need.

Historically, video entrants—primarily cable companies—have been required to negotiate contracts, called franchises, with local governments before offering video service. With some 33,000 municipalities, this negotiating process is time consuming and costly, serving as a barrier to market access.

H.R. 5252 streamlines this process by creating a single, national approval process. This will open the door for telephone companies to enter the video services market and build out extensive new fiber-optic networks to compete with the cable industry whose network is already well established. The bottom line is a national franchise will open the door for more choices, better services and lower bills.

I am concerned about some of the potential amendments that, under the guise of "fairness," would just defeat the purpose of the bill.

The first is mandatory build-out requirements, which are nothing less than the government telling a business how to run itself. Requiring a new entry in a competitive market to deploy broadband everywhere at once, even when it's not economical, guarantees that nothing will be built. Market demand will make the case for broadband expansion soon enough.

Next, there seem to be new efforts to regulate the "last frontier," the Internet. I think the Internet has experienced explosive growth because for the most part, the government has kept its hands off by not taxing and regulating it to death.

But in the name of something called "net neutrality," some would have the government effectively impose free carriage requirements on the Internet and Internet backbone providers. Supporters claim that in order to "keep the internet as we know it" we must regulate the service providers. Regulating Internet Service Providers will stall investment, curbing the growth and innovation the Internet has fostered in the last decade.

Again, this is something best left to the market to figure out. And at this point, it seems to be a solution in search of an actual problem.

We are again at a pivotal point in telecommunications policy. At one time, telecom was one of the drivers of our economy and we need a full comeback. This bill will promote investment in the advanced networks that will keep the U.S. economy competitive in a fierce global marketplace. Let's again unleash the innovation of our telecom, cable, satellite, and Internet companies because when the rules are right, there are none in the world who are better.

Mr. BARTON of Texas. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just want to thank the distinguished chairman of the Financial Services Committee, Mr. OXLEY, for his leadership and his statement that he just made. It is greatly appreciated and it I think enlightens the debate.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute at this time.

Mr. Chairman, let me explain one of the real problems with this bill. In testimony before the Commerce Committee on this legislation, I asked the head of the national cable industry what they would do once this bill passed, and the answer was quite revealing. They said that after this bill passes, since the telephone companies are going to go into the wealthy side of town in order to deploy their new broadband systems, that under the legislation they no longer had any responsibility to serve the whole community. They had no responsibility to continue to upgrade on the other side of the town, which the cable industry is already serving, because every mayor always extracted that from every cable company as they came into town.

So we are going to wind up with a perverse situation where the cable industry on the poor side of town is able

to raise rates because the telephone companies won't promise to go there and actually compete against the cable company. And the Republicans oppose even having a debate on the House floor in order to accomplish that, and so we wind up with a situation where the wealthy people are going to have two competitors and have lower rates, and the poor people are going to have only one company that is saying they are going to raise rates because there will be no competition. It is a perverse result for cable subscribers in America.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the chairman for yielding.

I rise today in support of H.R. 5252, and I want to discuss the so-called net neutrality provisions. The free Internet that we have today will remain free. If you can go there today, you will be able to go there tomorrow. If you would like to be able, in the future, to immediately download full-length movies and high definition video games and you are willing to pay for that greater bandwidth to do that, you will have the freedom to make that choice as well. If we take away these choices, it will be like trying to send a golf ball through a garden hose in terms of clogging up the bandwidth for everyone.

In a nutshell, it seems to me that more consumer freedom and less government regulation is the better approach. If down the road the telecommunication companies improperly restrict access to the Internet and the FCC fails to act, then we can drop the hammer on them. Until then, it seems like imposing new regulations on the Internet is a case of Big Brother being a big pain in the behind.

I urge my colleagues to vote ''yes'' on H.R. 5252.

I rise today in support of H.R. 5252, and I want to discuss the so-called "Net Neutrality" provisions.

I don't understand why we need new laws for a problem that doesn't yet exist. I've heard that some high-tech companies, like Yahoo and Google, are worried that certain cable or phone companies might block, or limit, consumers' internet access.

At this early stage, it seems to me that the market place will take care of that issue real quick. Consumers simply will not continue to purchase service from a provider that seeks to block or restrict their internet access.

For example, when I'm at my home in Orlando, Florida, I use Google and Yahoo nearly every day, and I get my high speed internet access through my local cable company, Bright House. If Bright House restricted my access to either Google or Yahoo, I would switch to my local phone company, BellSouth, so fast it would make your head spin. In other words, competition is what will keep companies on the straight and narrow.

The free internet that we have today will remain free. If you can go there today, you will be able to go there tomorrow.

If you would like to be able, in the future, to immediately download full-length movies and high-definition video games, and you're willing to pay for the greater bandwidth to do that, you'll have the freedom to make that choice as well.

If we take away these choices, it will be like trying to send a ball through a garden hose in terms of clogging up the bandwidth for everyone.

In a nutshell, it seems to me, that more consumer freedom, and less government regulation, is the better approach. If, down the road, the telecommunications companies improperly restrict access to the internet, and the FCC fails to act, then we can drop the hammer on them.

Until then, it seems like imposing new regulations on the internet is a case of Big Brother being a big pain in the behind.

I urge my colleagues to vote "yes" on H.R. 5252.

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

Mr. BARTON of Texas. Mr. Chairman, on behalf of Mr. RUSH of Illinois, I yield 1 minute to the gentlewoman from Illinois (Ms. BEAN).

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

Ms. BEAN. Mr. Chairman, I thank Mr. RUSH for this opportunity to speak, and I thank him and my colleagues on both sides of the aisle for their work on this bill. As a new Member of this body who brings 20 years of experience in the tech sector, I rise today to speak in support of H.R. 5252.

Many of our constituents have one option for cable TV and one price. Our constituents desire choice. I believe this bill will provide much-needed modernization of our telecommunications laws to provide for improved competition for video services and lower prices for consumers. By overhauling current rules and speeding the entry of competitors in the market, we encourage competition and provide our constituents with new choices and cheaper bills.

To keep America competitive in the global economy, telecommunications companies will be expected to invest heavily in infrastructure. This bill will spur investment in broadband networks that will help bring America up to speed with other nations who have jumped ahead of us in broadband capacity.

Some colleagues have raised legitimate concerns about how to streamline our laws while advancing new technologies. I am confident this bill will ensure consumer choice and preserve innovation on the Net, respect rights for municipalities while establishing a new source of revenue for them, and strictly prohibiting discriminatory practices like redlining.

I encourage support.

Mr. MARKEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, so again we hear the argument that this is going to lower cable rates. And it will lower cable rates, I don't deny that, on the good side of town, which is where they are going with their Harvard Business School 3-by-5 card, ''go to the wealthy side of town and offer them a package of broadband services to compete against the cable companies.'' Rates are going down.

But the problem is on the other side of town, once this bill passes, once the telephone company comes into town, the cable company is no longer bound by the agreement that it made with the city. So the cable industry, and they testified to this in the committee, they can then raise rates on the parts of town that the telephone company is not going to go to and provide cable service.

So you are going to wind up with this incredible situation where we, that is, Congressmen in our parts of town, we are going to have lower cable rates. But people on the other side of town, and you don't have to be a summa cum laude, you from Harvard Business School, to understand this, the people on the other side of town are not going to get this service, because obviously the Republicans are protecting AT&T and Verizon by prohibiting us having this discussion here on the floor.

They won't even let the discussion take place, because they know that is what is going to happen, that the other side of town isn't going to get this service, because AT&T doesn't want us to have to mandate that if they are going into the town, they just can't cherry-pick the good parts of town. They are going to have to do everybody. And if they don't do everybody, what do you think is going to happen when there is no competition? Rates are going up in that part of town, because that part of the town will be a monopoly.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 1 minute to a gentleman from Mississippi who doesn't have a degree from Harvard Business School, but he does have a degree from Ole Miss, CHIP PICKERING, the vice chairman of the full committee.

Mr. PICKERING. Mr. Chairman, I thank the chairman.

Having received an MBA from a great institution in the State of Texas, Baylor, I was taught that competition drives deployment, innovation, investment.

Why would the telephone companies have to go to both sides of the town? Because the cable companies are going with something called voiceover Internet, voice over cable systems, voice providers and other companies, into both sides of the town. And unless the telephone companies want to lose both sides of the town, they are going to have to go with video.

So more video choice, more voice choice, more investment, more innovation, greater competition. And that is why we will see benefits on all parts, in all parts of our country, and all sides of our cities and communities.

That is why this is a good bill. It makes a national framework, as it should do, as we go into an IP, Internet-based world. It is interstate. It is international. It should be done at the

FCC, not in a patchwork of entities all across the country, slowing deployment and investment.

I want to commend the great chairman from the Great State of Texas and the subcommittee chairman from Michigan, and I also want to thank our colleagues on the other side.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I stand in opposition to the fact that the provisions that are going to be considered do not contain any language that would guard against discrimination, discrimination as to where people live, redlining. And we want to be sure that when we go into restructuring where we place our cable lines, I want to be sure no community is left out.

Unless we can see that language in the bill, I cannot support it. Communications are too important, and I don't want the cable companies choosing the high-end communities and leaving the low-end communities out of the cable network.

□ 1900

So I would hope that if we do not get a provision in the bill, and it looks like we are not going to, that we vote against it and try all over again.

This will affect every area of my district, and many districts in this country, if we do not put provisions in there to eliminate redlining, to be sure we have antidiscrimination clauses in there, and be sure that people do not have to come to the FCC to get rulings when they find they are underserved. I would suggest that we vote against the bill.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Chairman, competition is the backbone of innovation. Competition has enabled the Internet and scores of new technologies to be introduced to the marketplace, and it has changed the way we live, work and play.

Mr. Chairman, the COPE Act will ensure that competition and innovation continue to flourish. It will eliminate needless government barriers and has shown that the expansion of new technology and innovation comes when competition is alive and well.

Mr. Chairman, I urge my colleagues to vote in support of this piece of legislation. It will help drive prices down. It will help companies invest in future technology that will help make our lives better.

Mr. Chairman, I want to thank you, I want to thank the committee for giving me the opportunity to speak on this bill.

Mr. MARKEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, here is the really perverse part of this. The telephone company is going to come into town, and they are going to start offering lower rates on the good part of town, as they are delivering the service.

The people on the other side of town, the poorer part of town, are going to say, hey, do we get the lower rates too in town? Because under the cable-negotiated agreement with the city, everyone got the same rate in town.

Well, the telephone company will not offer that same lower rate to the other part of the town, only to the people on the good part of town, which is where they are going. So we said to the majority, the Republicans, well, let's make sure everyone in town gets that lower rate, because now we know what the rate should be for that community, because they are offering it to the good side of town.

The Republicans say, oh, no, we are not going to give the lower rate to the poor side of town where the telephone company is not going to, because they are not going there. And the cable industry says, fine, we are going to raise rates on that side of town because the telephone company is telling us we are not going there.

So we are going to have again this crazy situation where they are going to the homes, and we are going to wind up with this perverse result where they are going to the good side of town, they are going to the good communities. They are going to have lower cable rates because they are going to have competition. And the telephone companies have told us over and over and over again they are not going to the other side of town.

They are not going to the poorer communities, and we object to any amendment by Democrats on the floor that will make us do the poor part of town, that will make us go to the other side of town. We are going to fight it and we are going to ask the Republicans to not even allow for a debate on the House floor that will help the people on the poor side of town get the lower rates.

That is what this bill at its heart is all about tonight, the ability of the telephone companies to cherry-pick the wealthiest families in America to have competing cable service.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON), our subcommittee chairman.

Mr. UPTON. Mr. Chairman, a couple of weeks ago, the Wall Street Journal ran a story headlined: "U.S. lags behind in high speed Internet access, ranking slips to 12th spot among 30 nations."

Today telecommunication providers offer a host of services, whether it be voice, data, or video. And this legislation, should it be enacted later this year like I think it will, will jump-start, jump-start that competition, as it will provide more competition, it will lower prices, probably in the range of $30 to $40 per household per month, nearly $400 for the year, and I have to tell you that that is great for America.

Now, over the last year we have had plenty of hearings, lots of witnesses, input from almost every sector. It has been a fair and open process from the start. And I commend my chairman, Joe Barton. He has done a magnificent job pulling together folks from all sides of the aisle, all different sides of the issues, to put together a bipartisan bill that we debate tonight.

Now, the document that we marked up in my subcommittee and then in full committee changed. It changed because of amendments that were debated and offered and accepted and voted on. And I have to tell you that after each step of that process, the bill was better. It was stronger and it was better. And the proof was in the pudding.

We passed the bill in subcommittee 27–4. We passed the bill in full committee, changed, 42–12. And I would note that when we introduced H.R. 5252, after the full committee markup process was completed, there were 15 Democrats from the Energy and Commerce Committee that asked that their names be listed as cosponsors.

Now, in some debate tonight we have talked about the cities, a question about right-of-way. Well, let us read the language in the bill. Page 19 says this: "Nothing in this act affects the authority of a State or local government to manage, on a reasonable, competitively neutral, and nondiscriminatory basis, the public rights-of-way and easements that have been dedicated for compatible use.

That protects the cities with rights-of-way. We protect the cities with a revenue stream. Most of them today have about a 5 percent revenue from the receipts that are collected. We add to that. It will be 6 percent, because we guarantee that that extra percent is going to go to the community access channels, what we call the PEG channels, the Public, Education, Government channels.

In fact, some of the studies that have come out show that the cities will gain revenues in the neighborhood of perhaps as much as 30 percent. We added an anti-redline provision that was offered by our friend, Mr. RUSH from Chicago. It was a great provision. It made the bill better. It was accepted, as I recall, on a voice vote.

The bottom line is this: if you are happy with the status quo, please vote "no" tonight. If you like cable rates going up, if you like the regulations, vote "no." But if you want change, please vote "yes."

Mr. MARKEY. Could I inquire of the Chair how much time is remaining.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) has 2½ minutes remaining. The gentleman from Texas (Mr. BARTON) has 3½ minutes remaining.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman. I know this has been hard work for members of the Energy and Commerce Committee. This is another

giant step in telecommunications, and now with the focus on broadband.

I recall, Mr. Chairman, the 1996 opportunity, and in fact I recall many, many years ago before I was in Congress the opportunities that led to the creation of BET. I hope as we go forward that we will be able to focus on small, medium, women-owned, minority-owned businesses that may engage in the cable franchising business.

I think as we make our way to the Senate and this bill comes back to the House, more emphasis needs to be focused on those generating opportunities. We are seeking, of course, to open telecommunications, broadband to the world. And to do that, it is also important that small businesses have the opportunity, both in terms of the franchise fees, and both in terms of mentoring by larger companies, so I hope that in working with my colleagues on Energy and Commerce and through the Senate, we will have the opportunity to put a focus on small, medium, women-owned and minority-owned businesses.

Mr. BARTON of Texas. Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois (Mr. RUSH), my distinguished primary cosponsor on the Democrat side.

Mr. RUSH. Mr. Chairman, I want to thank the gentleman for yielding me time.

Mr. Chairman, I am from the other side of town. I live on the other side of town; and, Mr. Chairman, those who live on the other side of town understand the Biblical principle, the verse in the Bible that says, know ye the truth, and the truth shall set you free.

Mr. Chairman, there are some untruths that have been spoken today about this bill. This is a good bill. This is a marvelous bill. This is a bill that is worthwhile. This is a bill that will make a difference in the lives of the people who live on the other side of town.

Mr. Chairman, there are five truths about this legislation that I want to share with you. This legislation, number one, represents a huge step in bringing lower prices and more choices for cable services, not only from the other side of town, but from all of town, and also to the Nation.

Mr. Chairman, this bill will provide equitable competition amongst a variety of video service providers on the other side of town. Video service providers can compete in price, in quality, and in quantity. And the people on the other side of town, on my side of town, can finally decide which service provider they prefer.

Number two, Mr. Chairman, the second truth, this bill will create a nationwide approval process for pay TV services. The people on my side of town, on the other side of town, pay more money for cable TV services than any other demographic group within the Nation. And by streamlining this archaic franchise system, companies will be able to offer new TV services on the other side of town, while also protecting the local interests.

The third truth. And this is a truth, Mr. Chairman, that I take to heart. I have spent all of my life fighting against discrimination. And I will never, never, ever be a sponsor or cosponsor or vote for a bill that allows for discrimination in any area of life within this Nation.

The third truth, Mr. Chairman, is that this bill will prohibit discrimination on the basis of income and give the FCC the power to impose stiff fines, up to $500,000 a day, or revoke a provider's franchise area if there is willful or repeated violation of discrimination.

And it goes even beyond that. The burden of proof will be on the company and not on the consumer.

The fourth truth, Mr. Chairman, is that this bill also preserves net neutrality by allowing the FCC explicit power to go after companies that violate network neutrality principles.

And, Mr. Chairman, on network neutrality, let me just say this: network neutrality is a Trojan horse in this whole debate. It is not about build-out; it is not about access. The opponents of this bill are in favor of network neutrality, and they are not in favor, Mr. Chairman, of lowering cable costs for the people on the other side of town.

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

Mr. Chairman, this bill is a failure. It fails the challenge to ensure that this broadband technology will be deployed in every neighborhood in America. The Bell Companies oppose it, and the Republicans are not going to allow us to even have that debate here on the House floor.

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Why is it important? Because in a post-GATT, post-NAFTA world, we have to make sure that every family and every child in every family has access to this high tech skillset which can only come from access to this broadband technology. The telephone companies do not want the responsibility to build out into the poor side of the town, the Republicans have not built that responsibility into the bill, and they have prohibited the Democrats from making that amendment. And their bill also fails the Internet. It fails the nondiscriminatory history of the Internet which has required, which has made possible for entrepreneurs and individuals on a nondiscriminatory basis, to use the Internet.

We want to have a debate on net neutrality. All the Republicans are willing to give to the proponents of the Net neutrality, the central constitutional protection built into the Internet for the last 20 years, is 10 minutes. That is a disgrace. The whole way we are making this bill is really a tribute to the Republican control of Congress and their lack of willingness to have full and open debate on the most important post-GATT, post-NAFTA issues we could debate, the access to a 21st century skillset and the ability for entrepreneurs to use the information superhighway to create the new jobs. I urge a ''no'' vote on final passage on this bill.

Mr. STARK. Mr. Chairman, I rise in strong opposition to H.R. 5252, the so-called Communications Opportunity, Promotion and Enhancement Act of 2006, H.R. 5252.

Supporters of this bill claim that if telephone companies provide video services to compete with cable and satellite, rates will decrease and quality of service will increase.

I agree, but there is nothing in current law stopping phone companies from offering video services. Just ask Verizon, which currently offers fiber optic TV in 16 states—and counting. However, AT&T and others thought they could get a better deal from their Congressional benefactors. The Leave No Lobbyist Behind Republican Congress did not disappoint them.

This bill eliminates all requirements to build out service to an entire community, so if you want to benefit from competition, you better live on the right side of town with the rich people. Your city also better have enough money to have a lawyer permanently stationed in Washington, DC, because this bill gives the Federal Communications Commission, FCC, final say over all video services. Under current law, cities control when and where video providers dig up streets to lay cable and they set standards for customer service and billing. But small government Republicans think that the FCC knows better. They provide no new staff or money to handle this enormous responsibility, so expect a busy signal the next time you have a problem with your cable bill.

Finally, this bill was a critical opportunity to renew so-called ''net neutrality'' rules that require Internet Service Providers to treat all Web sites equally. When Google was being run out of a college dorm, the search page loaded just as quickly as Yahoo or MSN or the Comcast corporate Web site. The ability for so-called ''garage inventors'' to enter the market without paying a toll or suffering degraded service enabled the Internet's rapid growth and success. Those non-discrimination rules ended last year, and broadband providers have made no secret of their desire to extract a high price for continued service. Their multimillion dollar campaign to defeat a net neutrality amendment only confirms their insidious plans.

This gift to giant telecom companies, devoid of any worthwhile public policy, is a disgrace, and I urge my colleagues to join me in voting no.

Mr. BLUMENAUER. Mr. Chairman, I agree with the intent of the bill, which is to improve competitive choice for consumers, lower costs, and increase innovation. I hope that is where we will be at the end of this process. However, currently, I have profound concerns about the loss of local revenues, lack of assurances for universal access, and the potential for anti-competitive behavior by network providers.

This comes to the floor with significant problems for local governments. The COPE Act will reduce Public Education Government, PEG, funding for Portland and Multnomah County by $2.4 million each year.

Proponents argue that more competitors will increase local revenues. However, the revenue is based on the size of the customer population, thus more competitors will not necessarily result in more revenue than already

exists. This bill also grants new authorities to the FCC to resolve local and private disputes. I am uncertain that the FCC possesses the capacity to effectively handle these local issues.

In the spirit of preserving innovation and providing equal access to web surfers and businesses alike, the Internet must remain a non-discriminatory, egalitarian, and open playing field. This is an issue that has often been referred to as ''net neutrality.'' I am concerned about the ability of the Internet to remain neutral and equal under the COPE Act.

This issue is particularly important to my district in Oregon as it has one of the highest broadband penetration rates in the country. I have received thousands of letters, e-mails, and phone calls from my constituents expressing concerns about the COPE Act's ability to safeguard the neutrality of the Internet. I support the Markey Amendment on network neutrality, which regretfully the House failed to adopt.

Lastly, I am concerned that the COPE Act does not ensure universal access for vital telecommunication services. Without strong ''build out provisions,'' poor and rural areas in the country are at risk of falling behind. Telecom companies will be able to cherry pick the most profitable areas and force cable companies to follow suit in order to remain competitive. History suggests that it is unrealistic to expect one company to continue to invest in all of its regions if a competitor applies market pressure to small concentrated areas.

This bill is the start of a long conversation regarding how best to address telecommunications in this country. It is my strong belief that we will be revisiting the concerns I have outlined should this bill pass, and it is my hope that through the legislative process, we can provide the American people the telecom reform they deserve.

Mr. WELLER. Mr. Chairman, I rise today in support of the Communications Opportunity, Promotion and Enhancement Act of 2006 (COPE), H.R. 5252. This is an important, bipartisan bill that will benefit the consumers I represent, especially those in rural areas.

While the cost of wireless minutes has fallen more than 77 percent in the past 10 years, the cost of cable rates has done the exact opposite, increasing over 86 percent during that same time frame. The COPE bill will bring choice and competition to television and the Internet. Through this bill, the market will have a chance to expand to areas in which competition does not currently exist. As we have consistently seen in other industries, competition helps the consumer through more choices and lower prices. For example, my own parents live in a small rural community. Mom and dad are retired on a fixed income. Like millions of other Americans living in small towns or rural communities, they have limited options when it comes to cable service. With the COPE bill, my parents and countless others will have increased access and competition.

It should be noted that this bill is about more than just lowering prices and creating a competitive marketplace. Significant benefits will be brought uniquely for rural communities. It will bring faster broadband to more places, especially rural areas. It will also mean the opportunity for distance learning and distance medical diagnosis and treatment for those living in rural communities. These are new and important opportunities for improving the quality of life for rural America.

This legislation really is about choice, competition, and rural access. I urge my colleagues to support the Barton-Rush COPE Act, an important bipartisan bill.

Mr. UDALL of Colorado. Mr. Chairman, while I have some reservations about the COPE Act, H.R. 5252, I will vote for it today.

There have been many changes in the telecommunications and cable industry in the 10 years since the last major revision of telecommunications law.

In 1996, telecommunication companies and cable companies provided very different services. Today though, these industries are providing very similar services and the distinctions in the old law are no longer as relevant. As a result, I believe it is time for us to make changes to our telecommunication laws that take into account the technological advances of the industry and the changes in the marketplace.

This bill would make some of those needed changes. However, I am concerned that its provisions, particularly those affecting the local franchise authorities, may go a little too far and do not do enough to allow localities and their constituents to adequately address right-of-way concerns in a timely fashion. I hope that Congress will be able to more fully address these concerns as this bill proceeds through the legislative process.

I supported the Markey amendment, even though its language would have needed some adjustments in conference particularly as it pertained to the ''last mile'' of Internet connectivity, because I thought it would improve the bill.

I was joined in this support for ''net neutrality'' by a wide variety of organizations whose members place a high value on unencumbered use of the internet—from AARP, ACLU and Gun Owners of America. I regret the amendment was not adopted.

However, even without that amendment this bill is an improvement over current law. It takes important steps to increase competition and reduce costs of cable and Internet. There is no doubt that the Internet has revolutionized how we do business, educate, and entertain. Making broadband services more affordable and accessible is vital to ensure we close the digital divide and allow businesses to benefit from new Internet-based technologies.

While this bill is not perfect, it is a good step forward. I believe it is important that we continue to work with the Senate to improve this bill and hope a conference report will continue to provide an increase in competition while protecting the freedom of the Internet.

Mr. GOODLATTE. Mr. Chairman, I rise in general support of this legislation, which will increase competition in the video services market by reducing the regulatory barriers that effectively bar new entrants into this important market. Competition will give consumers more choices and will help ensure the delivery of new and innovative services at lower prices.

However, I have concerns about the way this bill addresses the net neutrality issue. Specifically, this legislation was drafted such that it grants exclusive jurisdiction to the Federal Communications Commission to adjudicate complaints arising from anticompetitive practices of broadband providers. This grant of exclusive jurisdiction unfortunately puts into question whether the antitrust laws would apply when anticompetitive conduct arises in this area.

I believe in free market principles and the fact that government involvement often stifles innovation in the marketplace. However, I also believe that our Nation's antitrust laws have served as important guidelines to ensure that markets remain competitive and that these antitrust laws must remain applicable in the broadband services market.

I understand that Congressman LAMAR SMITH will offer an amendment today to expressly state that the antitrust laws do indeed apply despite the use of the word ''exclusive'' in the underlying bill. I support that clarification to ensure that our nation's antitrust laws continue to have full effect and continue to guard against anticompetitive conduct in the marketplace. However, I do not believe that this amendment goes far enough to discourage anticompetitive conduct in the Internet arena.

On the other hand, I do not believe that the amendment that will be offered by Congressman MARKEY is the right approach either. Specifically, that amendment would create more government red tape and hurdles for broadband providers by applying an FCC-focused overly regulatory approach to protecting the Internet. The way to ensure competition in the provision of broadband is not to bury broadband providers with more regulations.

I believe that competition in this area can be encouraged by setting forth clear and articulate guidelines that do not stifle innovation or the ability for broadband providers to recoup the investments they make in their infrastructures. Relatively minor amendments to our Nation's antitrust laws could be the right approach in this area. Unfortunately, neither this legislation, nor any of the amendments being offered today, contains such a narrowly-tailored and effective approach.

Despite my strong concerns about how the underlying bill handles the net neutrality issue, I will support this legislation because of the video services provisions that will increase competition and lower prices in that market. However, I look forward to working with all affected parties to ensure that robust competition remains the standard in the broadband services market.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to share my thoughts on H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006.

Similar to the 1996 telecommunications law that deregulated the phone and cable industries, I have examined this bill with the interests of my constituents in mind and a deep respect for the advancement of technological innovation.

As a result of this I have decided to vote in favor of H.R. 5252 as the bill provides the best we here in the House of Representatives could wish for with regard to the increased distribution of affordable cable services and a continued support of increased telecommunications innovation.

As with any complex bill, I do not agree with every aspect of the measure; however, I do feel that the measure provides the tools necessary to facilitate increased video choice for my district. Streamlining the video franchise process will help accelerate competition in the video market.

Constituents within my congressional district are crying out for increased competition and affordable cable rates and it is impossible for me to disregard their concerns by voting

against this, bill. According to the Federal Communications Commission, roughly 1.5 percent of markets have head-to-head competition for cable services.

Increased competition amongst cable providers will provide my constituents with consumer choice that is currently lacking. Consumers win when telecom carriers and cable operators compete head to head.

A multitude of service providers, each committed to indiscriminately serving my constituents regardless of income levels holds great promise for lower prices, better service and increased programming content and diverse ownership opportunities for minority and women-owned businesses.

Lastly, much has been said regarding the issue of net neutrality, the notion that broadband service providers should operate their networks in a nondiscriminatory manner.

While I agree wholeheartedly with this notion, I also feel that the government should not act too prematurely in intervening with the growth and innovation of the internet. The net neutrality bill presented before us tonight would impose a non-discriminate requirement on the internet backbone.

For years, the internet has blossomed, thanks in large part due the hands-off approach the federal government has taken. Currently I am satisfied with the language captured in H.R. 5252.

The bill gives the FCC strong authority to protect web access and internet applications by allowing the FCC to enforce its broadband principles that ensure consumers are entitled to: (1) Access the lawful internet content of their choice; (2) Run applications and services of their choice, subject to the needs of law enforcement; (3) Connect their choice of legal devices that do not harm the network; and (4) Competition among network providers, application and service providers, and content providers.

While I do not feel that additional action above and beyond the bill's current language at this time, I do support revisiting the issue in the event discriminatory conduct amongst internet service providers in the future.

Mr. CONYERS. Mr. Chairman, I rise against this legislation for several reasons. I fully support the concept of bringing competition to video, but the bill before us today contains some serious flaws and omissions that negate the positive intentions.

First, the bill does not contain meaningful net neutrality protections. All it does is reference the FCC's policy statement, which does not clearly delineate what a network provider can and cannot do. It provides the FCC with ''exclusive'' authority to define and adjudicate discriminatory broadband practices but also deprives the FCC of the authority to adopt rules on net neutrality. It only allows for case-by-case adjudication of complaints so that there will never be an order of general applicability.

Chairman SENSENBRENNER and I hoped that our net neutrality legislation, which passed the Judiciary Committee with bipartisan support, would be debated on the House floor today. Qur amendment would have required that broadband service providers interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis. It also would have required them to operate their network in a reasonable and nondiscriminatory manner so that all content, applications and services are treated the same and have an equal opportunity to reach consumers.

To the detriment of the COPE Act, the Rules Committee did not make our amendment in order. The Committee did make in order an amendment offered by Representative SMITH, which purports to preserve the antitrust laws for net neutrality but is actually nothing but a fig leaf. It changes nothing and does nothing to protect net neutrality. Of course the antitrust laws apply, but the Smith amendment does nothing to clarify how they apply and whether they apply to protect nondiscrimination.

The failure to provide strong net neutrality rules is not the only flaw of the COPE Act. Again, while I support the goal of furthering competition in video, I could only endorse this approach with certain protections to ensure that the service is distributed equitably and fairly. The COPE Act does not include these important safeguards.

The COPE Act removes guarantees that all cable customers must be treated equally, regardless of race, color, nationality or sex because it permits providers to designate their franchise areas. As a result, a provider will be able to ''cherry pick'' those areas it wants to serve and totally bypass other parts of the community. And it allows national franchise holders to offer service in one area of a community at a higher rate in order to subsidize the provision of service to residents in a more competitive area of the community.

These are serious problems that detract from the ultimate goal of furthering competition in the provision of video services. As a result, I oppose this legislation and urge my colleagues to do the same.

Mr. BACHUS. Mr. Chairman, I support H.R. 5252. Communications technology today is advancing rapidly but communications law is not. H.R. 5252 will allow the law to not only ''catch-up'' with technology, but also to get out of the way so consumers may benefit from new innovations and competition for broadband video services.

It is odd to me that, at the same time we are streamlining our policy in one area, we are considering new regulation in another area that has enjoyed explosive growth and innovation precisely because it has been free of government regulation. Mr. Chairman, this is not the time to start regulating the Internet.

Some voices say new regulation is necessary to preserve the Internet and protect consumers. I do not agree. The Internet is growing and thriving without regulation. Until there is a specific problem to fix, I think Internet regulation is a heavy-handed solution in search of a problem that will have many unintended consequences.

It is important to remember that the FCC has already adopted principles designed to ensure that Internet services are provided in a fair and neutral manner. Provisions of H.R. 5252 reinforce these principles without imposing innovation stifling regulation. Plus, my colleague on the House Judiciary Committee, Mr. SMITH, is offering an amendment making it clear that our Nation's anti-trust laws are in place to protect consumers as well. I support his amendment and encourage my colleagues to approve H.R. 5252 and reject calls for Internet regulation.

Mr. OXLEY. Mr. Chairman, I rise in strong support of H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006.

I've been a believer in the power of competition in telecommunications since I came to Congress 25 years ago. The move from government regulation to market competition has totally changed the telecommunications landscape, and the consumer has been the big winner. There are more products, services, and choices than ever before.

I remember people looking at Congressman RICK BOUCHER and me like we were nuts when we first introduced a bill to allow telephone and cable companies to compete with each other. Since then, satellite TV and the Internet have joined the act and we have more channels than we know what to do with!

Some saw the spectrum auctions as a heretical idea. But they helped give birth to the cell phone industry, and now there's a kiosk in every mall begging for your business. Along the way, those auctions brought in billions of dollars for the U.S. Treasury and our own budgeters.

I was on the conference committee for the Telecommunications Reform Act of 1996, and the law has done a lot to promote private investment and consumer choice. But I'm not sure we ever fully broke the regulatory mindset at the bureaucratic level.

Ten years later, we're at the point where we need to see more investment in the advanced telecommunications systems vital to our international competitiveness. We trail some of our hungriest competitors in broadband deployment. And by next year, China may have more broadband subscribers than the United States.

There are still too many regulatory impediments holding back competition. H.R. 5252 does a good job of removing them, so we can unleash private capital on this national need.

Historically, video entrants—primarily cable companies—have been required to negotiate contracts, called franchises, with local governments before offering video service. With some 33,000 municipalities, this negotiating process is time consuming and costly, serving as a barrier to market access.

H.R. 5252 streamlines this process by creating a single, national approval process. This will open the door for telephone companies to enter the video services market and build out extensive new fiber-optic networks to compete with the cable industry whose network is already well established. The bottom line is a national franchise will open the door for more choices, better services and lower bills.

I am concerned about some of the potential amendments that, under the guise of ''fairness'', would just defeat the purpose of the bill.

The first is mandatory build-out requirements, which are nothing less than the government telling a business how to run itself. Requiring a new entry in a competitive market to deploy broadband everywhere at once, even when it's not economical, guarantees that nothing will be built. Market demand will make the case for broadband expansion soon enough.

Next, there seem to be new efforts to regulate the ''last frontier'', the Internet. I think the Internet has experienced explosive growth because for the most part, the government has kept its hands off by not taxing and regulating it to death.

But in the name of something called ''net neutrality'', some would have the government effectively impose free carriage requirements

on the Internet and Internet backbone providers. Supporters claim that in order to "keep the internet as we know it" we must regulate the service providers. Regulating Internet Service Providers will stall investment, curbing the growth and innovation the Internet has fostered in the last decade.

Again, this is something best left to the market to figure out. And at this point, it seems to be a solution in search of an actual problem.

We are again at a pivotal point in telecommunications policy. At one time, telecom was one of the drivers of our economy and we need a full comeback. This bill will promote investment in the advanced networks that will keep the U.S. economy competitive in a fierce global marketplace. Let's again unleash the innovation of our telecom, cable, satellite, and Internet companies because when the rules are right, there are none in the world who are better.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 5252

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Communications Opportunity, Promotion, and Enhancement Act of 2006''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL CABLE FRANCHISING

Sec. 101. National cable franchising.
Sec. 102. Definitions.
Sec. 103. Monitoring and reporting.

TITLE II—ENFORCEMENT OF BROADBAND POLICY STATEMENT

Sec. 201. Enforcement of broadband policy statement.

TITLE III—VOIP/911

Sec. 301. Emergency services; interconnection.

TITLE IV—MUNICIPAL PROVISION OF SERVICES

Sec. 401. Government authority to provide services.

TITLE V—BROADBAND SERVICE

Sec. 501. Stand-alone broadband service.
Sec. 502. Study of interference potential of broadband over power line systems.

TITLE VI—SEAMLESS MOBILITY

Sec. 601. Development of seamless mobility.

TITLE I—NATIONAL CABLE FRANCHISING

SEC. 101. NATIONAL CABLE FRANCHISING.

(a) AMENDMENT.—Part III of title VI of the Communications Act of 1934 (47 U.S.C. 541 et seq.) is amended by adding at the end the following new section:

''SEC. 630. NATIONAL CABLE FRANCHISING.

''(a) NATIONAL FRANCHISES.—

''(1) ELECTION.—A person or group that is eligible under subsection (d) may elect to obtain a national franchise under this section as authority to provide cable service in a franchise area in lieu of any other authority under Federal, State, or local law to provide cable service in such franchise area. A person or group may not provide cable service under the authority of this section in a franchise area unless such person or group has a franchise under this section that is effective with respect to such franchise area. A franchising authority may not require any person or group that has a national franchise under this section in effect with respect to a franchise area to obtain a franchise under section 621 or any other law to provide cable service in such franchise area.

''(2) CERTIFICATION.—To obtain a national franchise under this section as authority to provide cable service in a franchise area, a person or group shall—

''(A) file with the Commission a certification for a national franchise containing the information required by paragraph (3) with respect to such franchise area, if such person or group has not previously obtained a national franchise; or

''(B) file with the Commission a subsequent certification for additional franchise areas containing the information required by paragraph (3) with respect to such additional franchise areas, if such person or group has previously obtained a national franchise.

''(3) CONTENTS OF CERTIFICATION.—Such certification shall be in such form as the Commission shall require by regulation and shall contain—

''(A) the name under which such person or group is offering or intends to offer cable service;

''(B) the names and business addresses of the directors and principal executive officers, or the persons performing similar functions, of such person or group;

''(C) the location of such person or group's principal business office;

''(D) the name, business address, electronic mail address, and telephone and fax number of such person or group's local agent;

''(E) a declaration by such person or group that such person or group is eligible under subsection (d) to obtain a national franchise under this section;

''(F) an identification of each franchise area in which such person or group intends to offer cable service pursuant to such certification, which franchise area shall be—

''(i) the entirety of a franchise area in which a cable operator is, on the date of the filing of such certification, authorized to provide cable service under section 621 or any other law (including this section); or

''(ii) a contiguous geographic area that covers the entirety of the jurisdiction of a unit of general local government, except that—

''(I) if the geographic area within the jurisdiction of such unit of general local government contains a franchise area in which a cable operator is, on such date, authorized to provide cable service under section 621 or any other law, the contiguous geographic area identified in the certification under this clause as a franchise area shall not include the area contained in the franchise area of such cable operator; and

''(II) if such contiguous geographic area includes areas that are, respectively, within the jurisdiction of different franchising authorities, the certification shall specify each such area as a separate franchise area;

''(G) a declaration that such person or group transmitted, or will transmit on the day of filing such declaration, a copy of such certification to the franchising authority for each franchise area for which such person or group is filing a certification to offer cable service under this section;

''(H) a declaration by the person or group that the person or group will comply with the rights-of-way requirements of the franchising authority under subsection (f); and

''(I) a declaration by the person or group that—

''(i) the person or group will comply with all Commission consumer protection and customer service rules under section 632(b) and subsection (g) of this section; and

''(ii) the person or group agrees that such standards may be enforced by the Commission or by the franchising authority in accordance with subsection (g) of this section.

''(4) LOCAL NOTIFICATION; PRESERVATION OF OPPORTUNITY TO NEGOTIATE.—

''(A) COPY TO FRANCHISING AUTHORITY.—On the day of filing any certification under paragraph (2)(A) or (B) for a franchise area, the person or group shall transmit a copy of such certification to the franchising authority for such area.

''(B) NEGOTIATED FRANCHISE AGREEMENTS PERMITTED.—Nothing in this section shall prevent a person or group from negotiating a franchise agreement or any other authority to provide cable service in a franchise area under section 621 or any other law. Upon entry into any such negotiated franchise agreement, such negotiated franchise agreement shall apply in lieu of any national franchise held by that person or group under this section for such franchise area.

''(5) UPDATING OF CERTIFICATIONS.—A person or group that files a certification under this section shall update any information contained in such certification that is no longer accurate and correct.

''(6) PUBLIC AVAILABILITY OF CERTIFICATIONS.—The Commission shall provide for the public availability on the Commission's Internet website or other electronic facility of all current certifications filed under this section.

''(b) EFFECTIVENESS; DURATION.—

''(1) EFFECTIVENESS.—A national franchise under this section shall be effective with respect to any franchise area 30 days after the date of the filing of a completed certification under subsection (a)(2)(A) or (B) that applies to such franchise area.

''(2) DURATION.—

''(A) IN GENERAL.—A franchise under this section that applies to a franchise area shall be effective for that franchise area for a term of 10 years.

''(B) RENEWAL.—A franchise under this section for a franchise area shall be renewed automatically upon expiration of the 10-year period described in subparagraph (A).

''(C) PUBLIC HEARING.—At the request of a franchising authority in a franchise area, a cable operator authorized under this section to provide cable service in such franchise area shall, within the last year of the 10-year period applicable under subparagraph (A) to the cable operator's franchise for such franchise area, participate in a public hearing on the cable operator's performance in the franchise area, including the cable operator's compliance with the requirements of this title. The hearing shall afford the public the opportunity to participate for the purpose of identifying cable-related community needs and interests and assessing the operator's performance. The cable operator shall provide notice to its subscribers of the hearing at least 30 days prior to the hearing.

''(D) REVOCATION.—A franchise under this section for a franchise area may be revoked by the Commission—

''(i) for willful or repeated violation of any Federal or State law, or any Commission regulation, relating to the provision of cable service in such franchise area;

''(ii) for false statements or material omissions knowingly made in any filing with the Commission relating to the provision of cable service in such franchise area;

''(iii) for willful or repeated violation of the rights-of-way management laws or regulations of any franchising authority in such franchise area relating to the provision of cable service in such franchise area; or

''(iv) for willful or repeated violation of the antidiscrimination requirement of subsection (h) with respect to such franchise area.

''(E) NOTICE.—The Commission shall send a notice of such revocation to each franchising authority with jurisdiction over the franchise areas for which the cable operator's franchise was revoked.

''(F) REINSTATEMENT.—After a revocation under subparagraph (D) of a franchise for a franchise area of any person or group , the Commission may refuse to accept for filing a new certification for authority of such person or group to provide cable service under this section in such franchise area until the Commission determines that the basis of such revocation has been remedied.

''(G) RETURN TO LOCAL FRANCHISING IF CABLE COMPETITION CEASES.—

''(i) If only one cable operator is providing cable service in a franchise area, and that cable operator obtained a national franchise for such franchise area under subsection (d)(2), the franchising authority for such franchise area may file a petition with the Commission requesting that the Commission terminate such national franchise for such franchise area.

''(ii) The Commission shall provide public notice and opportunity to comment on such petition. If it finds that the requirements of clause (i) are satisfied, the Commission shall issue an order granting such petition. Such order shall take effect one year from the date of such grant, if no other cable operator offers cable service in such area during that one year. If another cable operator does offer cable service in such franchise area during that one year, the Commission shall rescind such order and dismiss such petition.

''(iii) A cable operator whose national franchise is terminated for such franchise area under this subparagraph may obtain new authority to provide cable service in such franchise area under this section, section 621, or any other law, if and when eligible.

''(c) REQUIREMENTS OF NATIONAL FRANCHISE.—A national franchise shall contain the following requirements:

''(1) FRANCHISE FEE.—A cable operator authorized under this section to provide cable service in a franchise area shall pay to the franchising authority in such franchise area a franchise fee of up to 5 percent (as determined by the franchising authority) of such cable operator's gross revenues from the provision of cable service under this section in such franchise area. Such payment shall be assessed and collected in a manner consistent with section 622 and the definition of gross revenues in this section.

''(2) PEG/I-NET REQUIREMENTS.—A cable operator authorized under this section to provide cable service in a franchise area shall comply with the requirements of subsection (e).

''(3) RIGHTS-OF-WAY.—A cable operator authorized under this section to provide cable service in a franchise area shall comply with the rights-of-way requirements of the franchising authority under subsection (f).

''(4) CONSUMER PROTECTION AND CUSTOMER SERVICE STANDARDS.—A cable operator authorized under this section to provide cable service in a franchise area shall comply with the consumer protection and customer service standards established by the Commission under section 632(b).

''(5) CHILD PORNOGRAPHY.—A cable operator authorized under this section to provide cable service in a franchise area shall comply with the regulations on child pornography promulgated pursuant to subsection (i).

''(d) ELIGIBILITY FOR NATIONAL FRANCHISES.—The following persons or groups are eligible to obtain a national franchise under this section:

''(1) COMMENCEMENT OF SERVICE AFTER ENACTMENT.—A person or group that is not providing cable service in a franchise area on the date of enactment of this section under section 621 or any other law may obtain a national franchise under this section to provide cable service in such franchise area.

''(2) EXISTING PROVIDERS OF CABLE SERVICE.—A person or group that is providing cable service in a franchise area on the date of enactment of this section under section 621 or any other law may obtain a franchise under this section to provide cable service in such franchise area if, on the date that the national franchise becomes effective, another person or group is providing cable service under this section, section 621, or any other law in such franchise area.

''(e) PUBLIC, EDUCATIONAL, AND GOVERNMENTAL USE.—

''(1) IN GENERAL.—Subject to paragraph (3), a cable operator with a national franchise for a franchise area under this section shall provide channel capacity for public, educational, and governmental use that is not less than the channel capacity required of the cable operator with the most subscribers in such franchise area on the effective date of such national franchise. If there is no other cable operator in such franchise area on the effective date of such national franchise, or there is no other cable operator in such franchise area on such date that is required to provide channel capacity for public, educational, and governmental use, the cable operator shall provide the amount of channel capacity for such use as determined by Commission rule.

''(2) PEG AND I–NET FINANCIAL SUPPORT.—A cable operator with a national franchise under this section for a franchise area shall pay an amount equal to 1 percent of the cable operator's gross revenues (as such term is defined in this section) in the franchise area to the franchising authority for the support of public, educational, and governmental use and institutional networks (as such term is defined in section 611(f)). Such payment shall be assessed and collected in a manner consistent with section 622, including the authority of the cable operator to designate that portion of a subscriber's bill attributable to such payment. A cable operator that provided cable service in a franchise area on the date of enactment of this section and that obtains a national franchise under this section shall continue to provide any institutional network that it was required to provide in such franchise area under section 621 or any other law. Notwithstanding section 621(b)(3)(D), a franchising authority may not require a cable operator franchised under this section to construct a new institutional network.

''(3) ADJUSTMENT.—Every 10 years after the commencement of a franchise under this section for a franchise area, a franchising authority may require a cable operator authorized under such franchise to increase the channel capacity designated for public, educational, or governmental use, and the channel capacity designated for such use on any institutional networks required under paragraph (2). Such increase shall not exceed the higher of—

''(A) one channel; or

''(B) 10 percent of the public, educational, or governmental channel capacity required of that operator prior to the increase.

''(4) TRANSMISSION AND PRODUCTION OF PROGRAMMING.—

''(A) A cable operator franchised under this section shall ensure that all subscribers receive any public, educational, or governmental programming carried by the cable operator within the subscriber's franchise area.

''(B) The production of any programming provided under this subsection shall be the responsibility of the franchising authority.

''(C) A cable operator franchised under this section shall be responsible for the transmission from the signal origination point (or points) of the programming, or from the point of interconnection with another cable operator under subparagraph (D), to the cable operator's subscribers, of any public, educational, or governmental programming produced by or for the franchising authority and carried by the cable operator pursuant to this section.

''(D) Unless two cable operators otherwise agree to the terms for interconnection and cost sharing, such cable operators shall comply with regulations prescribed by the Commission providing for—

''(i) the interconnection between two cable operators in a franchise area for transmission of public, educational, or governmental programming, without material deterioration in signal quality or functionality; and

''(ii) the reasonable allocation of the costs of such interconnection between such cable operators.

''(E) A cable operator shall display the program information for public, educational, or governmental programming carried under this subsection in any print or electronic program guide in the same manner in which it displays program information for other video programming in the franchise area. The cable operator shall not omit such public, educational, or governmental programming from any navigational device, guide, or menu containing other video programming that is available to subscribers in the franchise area.

''(f) RIGHTS-OF-WAY.—

''(1) AUTHORITY TO USE.—Any franchise under this section for a franchise area shall be construed to authorize the construction of a cable system over public rights-of-way, and through easements, which is within the area to be served by the cable system and which have been dedicated for compatible uses, except that in using such easements the cable operator shall ensure that—

''(A) the safety, functioning, and appearance of the property and the convenience and the safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system;

''(B) the cost of the installation, construction, operation, or removal of such facilities be borne by the cable operator or subscriber, or a combination of both; and

''(C) the owner of the property be justly compensated by the cable operator for any damages caused by the installation, construction, operation, or removal of such facilities by the cable operator.

''(2) MANAGEMENT OF PUBLIC RIGHTS-OF-WAY.—Nothing in this Act affects the authority of a State or local government (including a franchising authority) over a person or group in their capacity as a cable operator with a franchise under this section to manage, on a reasonable, competitively neutral, and non-discriminatory basis, the public rights-of-way, and easements that have been dedicated for compatible uses. A State or local government (including a franchising authority) may, on a reasonable, competitively neutral, and non-discriminatory basis—

''(A) impose charges for such management; and

''(B) require compliance with such management, such charges, and paragraphs (1)(A), (B), and (C).

''(g) CONSUMER PROTECTION AND CUSTOMER SERVICE.—

''(1) NATIONAL STANDARDS.—Notwithstanding section 632(d), no State or local law (including any regulation) shall impose on a cable operator franchised under this section any consumer protection or customer service

requirements other than consumer protection or customer service requirements of general applicability.

''(2) PROCEEDING.—Within 120 days after the date of enactment of this section, the Commission shall issue a report and order that updates for cable operators franchised under this section the national consumer protection and customer service rules under section 632(b), taking into consideration the national nature of a franchise under this section and the role of State and local governments in enforcing, but not creating, consumer protection and customer service standards for cable operators franchised under this section.

''(3) REQUIREMENTS OF NEW RULES.—

''(A) Such rules shall, in addition to the requirements of section 632(b), address, with specificity, no less than the following consumer protection and customer service issues:

''(i) Billing, billing disputes, and discontinuation of service, including when and how any late fees may be assessed (but not the amount of such fees).

''(ii) Loss of service or service quality.

''(iii) Changes in channel lineups or other cable services and features.

''(iv) Availability of parental control options.

''(B) Such rules shall require forfeiture penalties or customer rebates, or both, as determined by the Commission, that may be imposed for violations of such Commission rules in a franchise area, and shall provide for increased forfeiture penalties or customer rebates, or both, for repeated violations of the standards in such rules.

''(C) The Commission's rules shall also establish procedures by which any forfeiture penalty assessed by the Commission under this subsection shall be paid by the cable operator directly to the franchising authority.

''(D) The Commission shall report to the Congress no less than once a year—

''(i) on complaints filed, and penalties imposed, under this subsection; and

''(ii) on any new consumer protection or customer service issues arising under this subsection.

''(E) The Commission's rules established under this subsection shall be revised as needed.

''(4) COMPLAINTS.—Any person may file a complaint with respect to a violation of the regulations prescribed under section 632(b) in a franchise area by a cable operator franchised under this section—

''(A) with the franchising authority in such area; or

''(B) with the Commission.

''(5) LOCAL FRANCHISING ORDERS REQUIRING COMPLIANCE.—In a proceeding commenced with a franchising authority on such a complaint, a franchising authority may issue an order requiring compliance with any of such regulations prescribed by the Commission, but a franchising authority may not create any new standard or regulation, or expand upon or modify the Commission's standards or regulations.

''(6) ACCESS TO RECORDS.—In such a proceeding, the franchising authority may issue an order requiring the filing of any contract, agreement, or arrangement between the subscriber and the provider, or any other data, documents, or records, directly related to the alleged violation.

''(7) COMMISSION REMEDIES; APPEALS.—Unless appealed to the Commission, an order of a franchising authority under this subsection shall be enforced by the Commission. Any such appeal shall be resolved by the Commission within 30 days after receipt of the appeal by the Commission.

''(8) COST OF FRANCHISING AUTHORITY ORDERS.—A franchising authority may charge a provider of cable service under this section a nominal fee to cover the costs of issuing such orders.

''(h) ANTIDISCRIMINATION.—

''(1) PROHIBITION.—A cable operator with a national franchise under this section to provide cable service in a franchise area shall not deny access to its cable service to any group of potential residential cable service subscribers in such franchise area because of the income of that group.

''(2) ENFORCEMENT.—

''(A) COMPLAINT.—If a franchising authority in a franchise area has reasonable cause to believe that a cable operator is in violation of this subsection with respect to such franchise area, the franchising authority may, after complying with subparagraph (B), file a complaint with the Commission alleging such violation.

''(B) NOTICE BY FRANCHISING AUTHORITY.—Before filing a complaint with the Commission under subparagraph (A), a franchising authority—

''(i) shall give notice of each alleged violation to the cable operator;

''(ii) shall provide a period of not less than 30 days for the cable operator to respond to such allegations; and

''(iii) during such period, may require the cable operator to submit a written response stating the reasons why the operator has not violated this subsection.

''(C) BIANNUAL REPORT.—A cable operator with a national franchise under this section for a franchise area, not later than 180 days after the effective date of such national franchise, and biannually thereafter, shall submit a report to the Commission and the franchising authority in the franchise area—

''(i) identifying the geographic areas in the franchise area where the cable operator offers cable service; and

''(ii) describing the cable operator's progress in extending cable service to other areas in the franchise area.

''(D) NOTICE BY COMMISSION.—Upon receipt of a complaint under this paragraph alleging a violation of this subsection by a cable operator, the Commission shall give notice of the complaint to the cable operator.

''(E) INVESTIGATION.—In investigating a complaint under this paragraph, the Commission may require a cable operator to disclose to the Commission such information and documents as the Commission deems necessary to determine whether the cable operator is in compliance with this subsection. The Commission shall maintain the confidentiality of any information or document collected under this subparagraph.

''(F) DEADLINE FOR RESOLUTION OF COMPLAINTS.—Not more than 60 days after the Commission receives a complaint under this paragraph, the Commission shall issue a determination with respect to each violation alleged in the complaint.

''(G) DETERMINATION.—If the Commission determines (in response to a complaint under this paragraph or on its own initiative) that a cable operator with a franchise under this section to provide cable service in a franchise area has denied access to its cable service to a group of potential residential cable service subscribers in such franchise area because of the income of that group, the Commission shall ensure that the cable operator extends access to that group within a reasonable period of time.

''(H) REMEDIES.—

''(i) IN GENERAL.—This subsection shall be enforced by the Commission under titles IV and V.

''(ii) MAXIMUM FORFEITURE PENALTY.—For purposes of section 503, the maximum forfeiture penalty applicable to a violation of this subsection shall be $500,000 for each day of the violation.

''(iii) PAYMENT OF PENALTIES TO FRANCHISING AUTHORITY.—The Commission shall order any cable operator subject to a forfeiture penalty under this subsection to pay the penalty directly to the franchising authority involved.

''(i) CHILD PORNOGRAPHY.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate regulations to require a cable operator with a national franchise under this section to prevent the distribution of child pornography (as such term is defined in section 254(h)(7)(F)) over its network.

''(j) LEASED ACCESS.—The provisions of section 612(i) regarding the carriage of programming from a qualified minority programming source or from any qualified educational programming source shall apply to a cable operator franchised under this section to provide cable service in a franchise area.

''(k) APPLICABILITY OF OTHER PROVISIONS.—The following sections shall not apply in a franchise area to a person or group franchised under this section in such franchise area, or confer any authority to regulate or impose obligations on such person or group: Sections 611(a), 611(b), 611(c), 613(a), 617, 621 (other than subsections (b)(3)(A), (b)(3)(B), (b)(3)(C), and (c)), 624(b), 624(c), 624(h), 625, 626, 627, and 632(a).

''(l) EMERGENCY ALERTS.—Nothing in this Act shall be construed to prohibit a State or local government from accessing the emergency alert system of a cable operator with a franchise under this section in the area served by the State or local government to transmit local or regional emergency alerts.

''(m) REPORTING, RECORDS, AND AUDITS.—

''(1) REPORTING.—A cable operator with a franchise under this section to provide cable service in a franchise area shall make such periodic reports to the Commission and the franchising authority for such franchise area as the Commission may require to verify compliance with the fee obligations of subsections (c)(1) and (e)(2).

''(2) AVAILABILITY OF BOOKS AND RECORDS.—Upon request under paragraph (3) by a franchising authority for a franchise area, and upon request by the Commission, a cable operator with a national franchise for such franchise area shall make available its books and records to periodic audit by such franchising authority or the Commission, respectively.

''(3) FRANCHISING AUTHORITY AUDIT PROCEDURE.—A franchising authority may, upon reasonable written request, but no more than once in any 12-month period, review the business records of such cable operator to the extent reasonably necessary to ensure payment of the fees required by subsections (c)(1) and (e)(2). Such review may include the methodology used by such cable operator to assign portions of the revenue from cable service that may be bundled or functionally integrated with other services, capabilities, or applications. Such review shall be conducted in accordance with procedures established by the Commission.

''(4) COST RECOVERY.—

''(A) To the extent that the review under paragraph (3) identifies an underpayment of an amount meeting the minimum percentage specified in subparagraph (B) of the fee required under subsections (c)(1) and (e)(2) for the period of review, the cable operator shall reimburse the franchising authority the reasonable costs of any such review conducted by an independent third party, as determined by the Commission, with respect to such fee. The costs of any contingency fee arrangement between the franchising authority and the independent reviewer shall not be subject to reimbursement.

''(B) The Commission shall determine by rule the minimum percentage underpayment

that requires cost reimbursement under subparagraph (A).

''(5) LIMITATION.—Any fee that is not reviewed by a franchising authority within 3 years after it is paid or remitted shall not be subject to later review by the franchising authority under this subsection and shall be deemed accepted in full payment by the franchising authority.

''(n) ACCESS TO PROGRAMMING FOR SHARED FACILITIES.—

''(1) PROHIBITION.—A cable programming vendor in which a cable operator has an attributable interest shall not deny a cable operator with a national franchise under this section access to video programming solely because such cable operator uses a headend for its cable system that is also used, under a shared ownership or leasing agreement, as the headend for another cable system.

''(2) DEFINITION.—The term 'cable programming vendor' means a person engaged in the production, creation, or wholesale distribution for sale of video programming which is primarily intended for the direct receipt by cable operators for their retransmission to cable subscribers.

''(o) GROSS REVENUES.—As used in this section:

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the term 'gross revenues' means all consideration of any kind or nature, including cash, credits, property, and in-kind contributions (services or goods) received by the cable operator from the provision of cable service within the franchise area.

''(2) INCLUDED ITEMS.—Subject to paragraph (3), the term 'gross revenues' shall include the following:

''(A) all charges and fees paid by subscribers for the provision of cable service, including fees attributable to cable service when sold individually or as part of a package or bundle, or functionally integrated, with services other than cable service;

''(B) any franchise fee imposed on the cable operator that is passed on to subscribers;

''(C) compensation received by the cable operator for promotion or exhibition of any products or services over the cable service, such as on 'home shopping' or similar programming;

''(D) revenue received by the cable operator as compensation for carriage of video programming or other programming service on that operator's cable service;

''(E) all revenue derived from the cable operator's cable service pursuant to compensation arrangements for advertising; and

''(F) any advertising commissions paid to an affiliated third party for cable services advertising.

''(3) EXCLUDED ITEMS.—The term 'gross revenues' shall not include the following:

''(A) any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt;

''(B) refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by subparagraph (A) and to the extent such refund, rebate, credit, or discount is attributable to the cable service;

''(C) subject to paragraph (4), any revenues received by the cable operator or its affiliates from the provision of services or capabilities other than cable service, including telecommunications services, Internet access services, and services, capabilities, and applications that may be sold as part of a package or bundle, or functionally integrated, with cable service;

''(D) any revenues received by the cable operator or its affiliates for the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing;

''(E) any amounts attributable to the provision of cable service to customers at no charge, including the provision of such service to public institutions without charge;

''(F) any tax, fee, or assessment of general applicability imposed on the customer or the transaction by a Federal, State, or local government or any other governmental entity, collected by the provider, and required to be remitted to the taxing entity, including sales and use taxes and utility user taxes;

''(G) any forgone revenue from the provision of cable service at no charge to any person, except that any forgone revenue exchanged for trades, barters, services, or other items of value shall be included in gross revenue;

''(H) sales of capital assets or surplus equipment;

''(I) reimbursement by programmers of marketing costs actually incurred by the cable operator for the introduction of new programming; and

''(J) the sale of cable services for resale to the extent the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect thereto.

''(4) FUNCTIONALLY INTEGRATED SERVICES.—In the case of a cable service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the cable operator's revenue attributable to such other services, capabilities, or applications shall be included in gross revenue unless the cable operator can reasonably identify the division or exclusion of such revenue from its books and records that are kept in the regular course of business.

''(5) AFFILIATE REVENUE.—Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of such revenue as revenue of the affiliate has the effect (whether intentional or unintentional) of evading the payment of franchise fees which would otherwise be paid for cable service.

''(6) AFFECT ON OTHER LAW.—Nothing in this section is intended to limit a franchising authority's rights pursuant to section 622(h).

''(p) ADDITIONAL DEFINITIONS.—For purposes of this section:

''(1) CABLE OPERATOR.—The term 'cable operator' has the meaning provided in section 602(5) except that such term also includes a person or group with a national franchise under this section.

''(2) FRANCHISE FEE.—

''(A) The term 'franchise fee' includes any fee or assessment of any kind imposed by a franchising authority or other governmental entity on a person or group providing cable service in a franchise area under this section, or on a subscriber of such person or group, or both, solely because of their status as such.

''(B) The term 'franchise fee' does not include—

''(i) any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and a person or group providing cable service in a franchise area under this section (or the services of such person or group) but not including a fee or assessment which is unduly discriminatory against such person or group or the subscribers of such person or group);

''(ii) any fee assessed under subsection (e)(2) for support of public, educational, and governmental use and institutional networks (as such term is defined in section 611(f));

''(iii) requirements or charges under subsection (f)(2) for the management of public rights-of-way, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or

''(iv) any fee imposed under title 17, United States Code.

''(3) INTERNET ACCESS SERVICE.—The term 'Internet access service' means a service that enables users to access content, information, electronic mail, or other services offered over the Internet.

''(4) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city;

''(B) the District of Columbia; or

''(C) the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.''.

(b) IMPLEMENTING REGULATIONS.—The Federal Communications Commission shall prescribe regulations to implement the amendment made by subsection (a) within 120 days after the date of enactment of this Act.

SEC. 102. DEFINITIONS.

Section 602 of the Communications Act of 1934 (47 U.S.C. 522) is amended—

(1) in paragraph (4), by inserting before the semicolon at the end the following: '', or its equivalent as determined by the Commission'';

(2) in paragraph (5)(A), by inserting ''(regardless of whether such person or group provides such service separately or combined with a telecommunications service or information service)'' after ''over a cable system''; and

(3) by striking paragraph (6) and inserting the following:

''(6) the term 'cable service' means—

''(A)(i) the one-way transmission to subscribers of (I) video programming, or (II) other programming service; and

''(ii) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service; or

''(B) the transmission to subscribers of video programming or other programming service provided through wireline facilities located at least in part in the public rights-of-way, without regard to delivery technology, including Internet protocol technology, except to the extent that such video programming or other programming service is provided as part of—

''(i) a commercial mobile service (as such term is defined in section 332(d)); or

''(ii) an Internet access service (as such term is defined in section 630(p)).''.

SEC. 103. MONITORING AND REPORTING.

(a) REPORT ON CABLE SERVICE DEPLOYMENT.—The Federal Communications Commission shall, commencing not later than one year after the date of enactment of this Act, issue a report annually on the deployment of cable service. In its report, the Commission shall describe in detail—

(1) with respect to deployment by new cable operators—

(A) the progress of deployment of such service within the telephone service area of cable operators, if the operator is also an incumbent local exchange carrier, including a comparison with the progress of deployment of broadband services not defined as cable services within such telephone service area;

(B) the number of franchise areas in which such service is being deployed and offered;

(C) where such service is not being deployed and offered; and

(D) the number and locations of franchise areas in which the cable operator is serving only a portion of the franchise area, and the extent of such service within the franchise area;

(2) the number and locations of franchise areas in which a cable operator with a franchise under section 621 of the Communications Act of 1934 (47 U.S.C. 541) on the date of

enactment of this Act withdraws service from any portion of the franchise area for which it previously offered service, and the extent of such withdrawal of service within the franchise area;

(3) the rates generally charged for cable service;

(4) the rates charged by overlapping, competing multichannel video programming distributors and by competing cable operators for comparable service or cable service;

(5) the average household income of those franchise areas or portions of franchise areas where cable services is being offered, and the average household income of those franchise areas, or portions of franchise areas, where cable service is not being offered;

(6) the proportion of rural households to urban households, as defined by the Bureau of the Census, in those franchise areas or portions of franchise areas where cable service is being offered, and the proportion of rural households to urban households in those franchise areas or portions of franchise areas where cable service is not being offered, including a State-by-State breakdown of such data and a comparison with the overall ratio of rural and urban households in each State; and

(7) a comparison of the services and rates in areas served by national franchisees under section 630 of the Communications Act of 1934 (as added by section 101 of this Act) and the services and rates in other areas.

(b) CABLE OPERATOR REPORTS.—The Federal Communications Commission is authorized—

(1) to require cable operators to report to the Commission all of the information that the Commission needs to compile the report required by this section; and

(2) to require cable operators to file the same information with the relevant franchising authorities and State commissions.

TITLE II—ENFORCEMENT OF BROADBAND POLICY STATEMENT

SEC. 201. ENFORCEMENT OF BROADBAND POLICY STATEMENT.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 715. ENFORCEMENT OF BROADBAND POLICY STATEMENT.

''(a) AUTHORITY.—The Commission shall have the authority to enforce the Commission's broadband policy statement and the principles incorporated therein.

''(b) ENFORCEMENT.—

''(1) IN GENERAL.—This section shall be enforced by the Commission under titles IV and V. A violation of the Commission's broadband policy statement or the principles incorporated therein shall be treated as a violation of this Act.

''(2) MAXIMUM FORFEITURE PENALTY.—For purposes of section 503, the maximum forfeiture penalty applicable to a violation described in paragraph (1) of this subsection shall be $500,000 for each violation.

''(3) ADJUDICATORY AUTHORITY.—The Commission shall have exclusive authority to adjudicate any complaint alleging a violation of the broadband policy statement and the principles incorporated therein. The Commission shall complete an adjudicatory proceeding under this subsection not later than 90 days after receipt of the complaint. If, upon completion of an adjudicatory proceeding pursuant to this section, the Commission determines that such a violation has occurred, the Commission shall have authority to adopt an order to require the entity subject to the complaint to comply with the broadband policy statement and the principles incorporated therein. Such authority shall be in addition to the authority specified in paragraph (1) to enforce this section under titles IV and V. In addition, the Commission shall have authority to adopt procedures for the adjudication of complaints alleging a violation of the broadband policy statement or principles incorporated therein.

''(4) LIMITATION.—Notwithstanding paragraph (1), the Commission's authority to enforce the broadband policy statement and the principles incorporated therein does not include authorization for the Commission to adopt or implement rules or regulations regarding enforcement of the broadband policy statement and the principles incorporated therein, with the sole exception of the authority to adopt procedures for the adjudication of complaints, as provided in paragraph (3).

''(c) STUDY.—Within 180 days after the date of enactment of this section, the Commission shall conduct, and submit to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation, a study regarding whether the objectives of the broadband policy statement and the principles incorporated therein are being achieved.

''(d) DEFINITION.—For purposes of this section, the term 'Commission's broadband policy statement' means the policy statement adopted on August 5, 2005, and issued on September 23, 2005, In the Matters of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, and other Matters (FCC 05–151; CC Docket No. 02–33; CC Docket No. 01–337; CC Docket Nos. 95–20, 98–10; GN Docket No. 00–185; CS Docket No. 02–52).''.

TITLE III—VOIP/911

SEC. 301. EMERGENCY SERVICES; INTERCONNECTION.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is further amended by adding after section 715 (as added by section 201 of this Act) the following new sections:

"SEC. 716. EMERGENCY SERVICES.

''(a) 911 AND E–911 SERVICES.—

''(1) IN GENERAL.—Each VOIP service provider has a duty to ensure that 911 and E–911 services are provided to subscribers of VOIP services.

''(2) USE OF EXISTING REGULATIONS.—A VOIP service provider that complies with the Commission's regulations requiring providers of VOIP service to supply 911 and E911 capabilities to their customers (Report and Order in WC Docket Nos. 04–36 and 05–196) and that are in effect on the date of enactment of this section shall be considered to be in compliance with the requirements of this section, other than subsection (c), until such regulations are modified or superseded by subsequent regulations.

''(b) NON-DISCRIMINATORY ACCESS TO CAPABILITIES.—

''(1) ACCESS.—Each incumbent local exchange carrier (as such term is defined in section 251(h)) or government entity with ownership or control of the necessary E–911 infrastructure shall provide any requesting VOIP service provider with nondiscriminatory access to such infrastructure. Such carrier or entity shall provide access to the infrastructure at just and reasonable, nondiscriminatory rates, terms, and conditions. Such access shall be consistent with industry standards established by the National Emergency Number Association or other applicable industry standards organizations.

''(2) ENFORCEMENT.—The Commission or a State commission may enforce the requirements of this subsection and the Commission's regulations thereunder. A VOIP service provider may obtain access to such infrastructure pursuant to section 717 by asserting the rights described in such section.

''(c) NEW CUSTOMERS.—A VOIP service provider shall make 911 service available to new customers within a reasonable time in accordance with the following requirements:

''(1) CONNECTION TO SELECTIVE ROUTER.—For all new customers not within the geographic areas where a VOIP service provider can immediately provide 911 service to the geographically appropriate PSAP, a VOIP service provider, or its third party vendor, shall have no more than 30 days from the date the VOIP provider has acquired a customer to order service providing connectivity to the selective router so that 911 service, or E911 service where the PSAP is capable of receiving and processing such information, can be provided through the selective router.

''(2) INTERIM SERVICE.—For all new customers not within the geographic areas where the VOIP service provider can immediately provide 911 service to the geographically appropriate PSAP, a VOIP service provider shall provide 911 service through—

''(A) an arrangement mutually agreed to by the VOIP service provider and the PSAP or PSAP governing authority; or

''(B) an emergency response center with national call routing capabilities.

Such service shall be provided 24 hours a day from the date a VOIP service provider has acquired a customer until the VOIP service provider can provide 911 service to the geographically appropriate PSAP.

''(3) NOTICE.—Before providing service to any new customer not within the geographic areas where the VOIP service provider can immediately provide 911 service to the geographically appropriate PSAP, a VOIP service provider shall provide such customer with clear notice that 911 service will be available only as described in paragraph (2).

''(4) RESTRICTION ON ACQUISITION OF NEW CUSTOMERS.—A VOIP service provider may not acquire new customers within a geographic area served by a selective router if, within 180 days of first acquiring a new customer in the area served by the selective router, the VOIP service provider does not provide 911 service, or E911 service where the PSAP is capable of receiving and processing such information, to the geographically appropriate PSAP for all existing customers served by the selective router.

''(5) ENFORCEMENT: NO FIRST WARNINGS.—Paragraph (5) of section 503(b) shall not apply to the assessment of forfeiture penalties for violations of this subsection or the regulations thereunder.

''(d) STATE AUTHORITY.—Nothing in this Act or any Commission regulation or order shall prevent the imposition on or collection from a VOIP service provider, of any fee or charge specifically designated or presented as dedicated by a State, political subdivision thereof, or Indian tribe on an equitable, and non-discriminatory basis for the support of 911 and E–911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 and E–911 services or enhancements of such services.

''(e) FEASIBILITY.—In establishing requirements or obligations under subsections (a) and (b), the Commission shall ensure that such standards impose requirements or obligations on VOIP service providers and entities with ownership or control of necessary E–911 infrastructure that the Commission determines are technologically and operationally feasible. In determining the requirements and obligations that are technologically and operationally feasible, the Commission shall take into consideration available industry technological and operational standards.

''(f) PROGRESS REPORTS.—To the extent that the Commission concludes that it is not

technologically or operationally feasible for VOIP service providers to comply with E–911 requirements or obligations, then the Commission shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress in attaining and deploying E–911 service. Such reports shall be submitted semiannually until the Commission concludes that it is technologically and operationally feasible for all VOIP service providers to comply with E–911 requirements and obligations. Such reports may include any recommendations the Commission considers appropriate to encourage the migration of emergency services to TCP/IP protocol or other advanced services.

''(g) ACCESS TO INFORMATION.—The Commission shall have the authority to compile a list of PSAP contact information, testing procedures, and classes and types of services supported by PSAPs, or other information concerning the necessary E–911 infrastructure, for the purpose of assisting providers in complying with the requirements of this section.

''(h) EMERGENCY ROUTING NUMBER ADMINISTRATOR.—Within 30 days after the date of enactment of this section, the Federal Communications Commission shall establish an emergency routing number administrator to enable VOIP service providers to acquire non-dialable pseudo-automatic number identification numbers for 9–1-1 routing purposes on a national scale. The Commission may adopt such rules and practices as are necessary to guide such administrator in the fair and expeditious assignment of these numbers.

''(i) EMERGENCY RESPONSE SYSTEMS.—

''(1) NOTICE PRIOR TO INSTALLATION OR NUMBER ACTIVATION OF VOIP SERVICE.—Prior to installation or number activation of VOIP service for a customer, a VOIP service provider shall provide clear and conspicuous notice to the customer that—

''(A) such customer should arrange with his or her emergency response system provider, if any, to test such system after installation;

''(B) such customer should notify his or her emergency response system provider after VOIP service is installed; and

''(C) a battery backup is required for customer premises equipment installed in connection with the VOIP service in order for the signaling of such system to function in the event of a power outage.

''(2) DEFINITION.—In this subsection:

''(A) The term 'emergency response system' means an alarm or security system, or personal security or medical monitoring system, that is connected to an emergency response center by means of a telecommunications carrier or VOIP service provider.

''(B) The term 'emergency response center' means an entity that monitors transmissions from an emergency response system.

''(j) MIGRATION TO IP-ENABLED EMERGENCY NETWORK.—

''(1) NATIONAL REPORT.—No more than 18 months after the date of the enactment of this section, the National 911 Implementation and Coordination Office shall develop a report to Congress on migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

''(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall—

''(A) outline the potential benefits of such a migration;

''(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

''(C) include a proposed timetable, an outline of costs and potential savings;

''(D) provide recommendations on specific legislative language,

''(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

''(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of this section.

''(3) CONSULTATION.—In developing the report required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate.

''(k) IMPLEMENTATION.—

''(1) DEADLINE.—The Commission shall prescribe regulations to implement this section within 120 days after the date of enactment of this section.

''(2) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

''(l) DEFINITIONS.—For purposes of this section:

''(1) VOIP SERVICE.—The term 'VOIP service' means a service that—

''(A) provides real-time 2-way voice communications transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol (including when the voice communication is converted to or from TCP/IP protocol by the VOIP service provider and transmitted to the subscriber without use of circuit switching), for a fee;

''(B) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

''(C) has the capability so that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

''(2) VOIP SERVICE PROVIDER.—The term 'VOIP service provider' means any person who provides or offers to provide a VOIP service.

''(3) NECESSARY E–911 INFRASTRUCTURE.—The term 'necessary E–911 infrastructure' means the selective routers, selective router databases, automatic location information databases, master street address guides, trunk lines between selective routers and PSAPs, trunk lines between automatic location information databases and PSAPs, and other 911 and E–911 equipment, facilities, databases, interfaces, and related capabilities specified by the Commission.

''(4) NON-DIALABLE PSEUDO-AUTOMATIC NUMBER IDENTIFICATION NUMBER.—The term 'non-dialable pseudo-automatic number identification number' means a number, consisting of the same number of digits as numbers used for automatic number identification, that is not a North American Numbering Plan telephone directory number and that may be used in place of an automatic number identification number to convey special meaning. The special meaning assigned to the non-dialable pseudo-automatic number identification number is determined by nationally standard agreements, or by individual agreements, as necessary, between the system originating the call, intermediate systems handling and routing the call, and the destination system.

''SEC. 717. RIGHTS AND OBLIGATIONS OF VOIP SERVICE PROVIDERS.

''(a) IN GENERAL.—

''(1) FACILITIES-BASED VOIP SERVICE PROVIDERS.—A facilities-based VOIP service provider shall have the same rights, duties, and obligations as a requesting telecommunications carrier under sections 251 and 252, if the provider elects to assert such rights.

''(2) VOIP SERVICE PROVIDERS.—A VOIP service provider that is not a facilities-based VOIP service provider shall have only the same rights, duties, and obligations as a requesting telecommunications carrier under sections 251(b), 251(e), and 252, if the provider elects to assert such rights.

''(3) CLARIFYING TREATMENT OF VOIP SERVICE.—A telecommunications carrier may use interconnection, services, and network elements obtained pursuant to sections 251 and 252 from an incumbent local exchange carrier (as such term is defined in section 251(h)) to exchange VOIP service traffic with such incumbent local exchange carrier regardless of the provider originating such VOIP service traffic, including an affiliate of such telecommunications carrier.

''(b) DISABLED ACCESS.—A VOIP service provider or a manufacturer of VOIP service equipment shall have the same rights, duties, and obligations as a telecommunications carrier or telecommunications equipment manufacturer, respectively, under sections 225, 255, and 710 of the Act. Within 1 year after the date of enactment of this Act, the Commission, in consultation with the Architectural and Transportation Barriers Compliance Board, shall prescribe such regulations as are necessary to implement this section. In implementing this subsection, the Commission shall consider whether a VOIP service provider or manufacturer of VOIP service equipment primarily markets such service or equipment as a substitute for telecommunications service, telecommunications equipment, customer premises equipment, or telecommunications relay services.

''(c) DEFINITIONS.—For purposes of this section:

''(1) FACILITIES-BASED VOIP SERVICE PROVIDER.—The term 'facilities-based VOIP service provider' means an entity that provides VOIP service over a physical facility that terminates at the end user's location and which such entity or an affiliate owns or over which such entity or affiliate has exclusive use. An entity or affiliate shall be considered a facilities-based VOIP service provider only in those geographic areas where such terminating physical facilities are located.

''(2) VOIP SERVICE PROVIDER; VOIP SERVICE.—The terms 'VOIP service provider' and 'VOIP service' have the meanings given such terms by section 716(j).''.

TITLE IV—MUNICIPAL PROVISION OF SERVICES

SEC. 401. GOVERNMENT AUTHORITY TO PROVIDE SERVICES.

(a) IN GENERAL.—Neither the Communications Act of 1934 nor any State statute, regulation, or other State legal requirement may prohibit or have the effect of prohibiting any public provider of telecommunications service, information service, or cable service (as such terms are defined in sections 3 and 602 of such Act) from providing such services to any person or entity.

(b) COMPETITION NEUTRALITY.—Any State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that is, owns, controls, or is otherwise affiliated with a public provider of telecommunications service, information service, or cable service shall not grant any preference or advantage to any such provider. Such entity shall apply its ordinances, rules, and policies, including those relating to the use of public rights-of-way, permitting, performance bonding, and reporting without discrimination in favor of any such provider as compared to other providers of such services.

(c) COMPLIANCE WITH OTHER LAWS NOT AFFECTED.—Nothing in this section shall exempt a public provider from any law or regulation that applies to providers of telecommunications service, information service, or cable service.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the Congress a report on the status of the provision of telecommunications service, information service, and cable service by States and political subdivisions thereof.

(e) DEFINITION OF PUBLIC PROVIDER.—For purposes of this section, the term ''public provider'' means a State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that provides telecommunications service, information service, or cable service, or any entity that is owned, controlled, or is otherwise affiliated with such State or political subdivision thereof, or agency, authority, or instrumentality of a State or political subdivision thereof.

TITLE V—BROADBAND SERVICE

SEC. 501. STAND-ALONE BROADBAND SERVICE.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is further amended by adding after section 717 (as added by section 301 of this Act) the following new section:

''SEC. 718. STAND-ALONE BROADBAND SERVICE.

''(a) PROHIBITION.—A broadband service provider shall not require a subscriber, as a condition on the purchase of any broadband service the provider offers, to purchase any cable service, telecommunications service, or VOIP service offered by the provider.

''(b) DEFINITIONS.—In this section:

''(1) The term 'broadband service' means a two-way transmission service that connects to the Internet and transmits information at an average rate of at least 200 kilobits per second in at least one direction.

''(2) The term 'broadband service provider' means a person or entity that controls, operates, or resells and controls any facility used to provide broadband service to the public, by whatever technology and whether provided for a fee, in exchange for an explicit benefit, or for free.

''(3) The term 'VOIP service' has the meaning given such term by section 716(j). ''.

SEC. 502. STUDY OF INTERFERENCE POTENTIAL OF BROADBAND OVER POWER LINE SYSTEMS.

Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall conduct, and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a study of the interference potential of broadband over power line systems.

TITLE VI—SEAMLESS MOBILITY

SEC. 601. DEVELOPMENT OF SEAMLESS MOBILITY.

(a) STREAMLINED REVIEW.—

(1) The Commission shall further the development of seamless mobility.

(2) Within 120 days after the date of enactment of this Act, the Commission shall implement a process for streamlined review and authorization of multi-mode devices that permit communication across multiple Internet protocol-enabled broadband platforms, facilities, and networks.

(b) STUDY.—The Commission shall undertake an inquiry to identify barriers to the achievement of seamless mobility. Within 180 days after the date of enactment of this Act, the Commission shall report to the Congress on its findings and its recommendations for steps to eliminate those barriers.

(c) DEFINITIONS.—For purposes of this section, the term ''seamless mobility'' means the ability of a communications device to select between and utilize multiple Internet protocol-enabled technology platforms, facilities, and networks in a real-time manner to provide a unified service.

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 109–491. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BARTON OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–491.

Mr. BARTON of Texas. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BARTON of Texas:

Page 5, line 4, strike ''intends'' and insert ''seeks authority''.

Page 5, lines 13 and 23, and page 6, line 4, strike ''contiguous''.

Page 5, beginning on line 17, strike ''within the jurisdiction of such unit of general local government contains'' and insert ''overlaps with''.

Page 6, lines 1 and 2, strike ''area contained in the franchise area of such cable operator'' and insert ''overlapping area''.

Page 6, line 15, after ''certification'' insert ''for authority''.

Page 6, line 20, strike ''under'' and insert ''in accordance with''.

Page 7, line 1, strike ''and subsection (g) of this section'' and insert ''(including the rules adopted under section 632(b) pursuant to subsection (g) of this section)''.

Page 8, line 4, strike ''that files'' and insert ''with''.

Page 9, line 19, after the period insert the following: ''The Commission shall by rule specify the methods by which a franchising authority shall notify a cable operator of the hearing for which its participation is required under this subparagraph.''.

Page 12, line 24, strike ''definition of gross revenues'' and insert ''definitions of gross revenues and franchise fee''.

Page 15, line 25, after ''to provide'' insert ''on the day before its national franchise became effective''.

Page 16, beginning on line 20, strike subparagraph (A) and insert the following:

''(A) A cable operator franchised under this section shall ensure that any public, educational, or governmental programming carried by the cable operator under this section within a franchise area is available to all of its subscribers in such franchise area.

Page 17, line 16, after ''cable operators shall'' insert '', if at least one of the operators is providing cable service in the franchise area pursuant to a franchise under this section,''.

Page 19, line 16, strike ''Act'' and insert ''section''.

Page 22, line 7, strike ''Congress'' and insert ''Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate''.

Page 27, beginning on line 24, strike ''The following sections'' and insert ''The provisions of this title that apply to a cable operator shall apply in a franchise area to a person or group with a national franchise under this section to provide cable service in such franchise area, except that the following sections''.

Page 28, line 3, before the colon insert ''in such franchise area''.

Page 28, line 7, strike ''Act'' and insert ''section''.

Page 29, line 22, strike ''subsections (c)(1) and (e)(2)'' and insert ''subsection (c)(1) or (e)(2)''.

Page 30, line 22, after ''cable operator'' insert ''with a national franchise''.

Page 38, line 5, strike ''and''; on page 39, line 2, strike the period at the end of the line and insert a semicolon; and after such line insert the following:

(4) in paragraph (7)(D), by inserting after ''section 653 of this title'' the following; ''except in a franchise area in which such system is used to provide cable service under a national franchise pursuant to section 630'';

(5) in paragraph (9)—

(A) by inserting ''(A)'' after ''means''; and

(B) by inserting before the semicolon at the end the following: ''; and (B) a national franchise that is effective under section 630 on the basis of a certification with the Commission''; and

(6) in paragraph (10), by inserting before the semicolon at the end the following: '', but does not include the Commission with respect to a national franchise under section 630''.

Page 39, line 8, before the period insert the following: ''pursuant to the amendments made by this title''.

Page 41, after line 20, insert the following new section:

SEC. 104. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall affect the application or interpretation of section 224 of the Communications Act of 1934 (47 U.S.C. 224).

Page 53, line 24, after ''for a fee'' insert ''or without a fee''.

Page 54, beginning on line 11, strike paragraph (3) and insert the following:

''(3) NECESSARY E–911 INFRASTRUCTURE.—The term 'necessary E–911 infrastructure' means the originating trucks to the selective routers, selective routers, databases (including automatic location information databases and master street address guides), trunks, or other related facilities necessary for the delivery and completion of 911 and E–911 calls, or other 911 and E–911 equipment, facilities, databases, interfaces, and related capabilities specified by the Commission.

Page 57, line 18, and page 60, line 13, strike ''716(j)'' and insert ''716(l)''.

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have continued to listen to the constructive comments from Members on both sides of the aisle as well as the comments of the cities and the affected stakeholders in this issue as the bill has moved from committee to discussion under the Rules Committee, and now to the floor

of the House of Representatives. We have tried to incorporate many of those constructive comments into the manager's amendment that is now before the House.

The amendment would do the following: It would clarify what constitutes a franchise area. This was a concern of Mr. DINGELL in the full committee markup.

It would clarify that a person or group seeking authority to provide service under a national franchise must agree to comply with all requirements the FCC Commission would promulgate pursuant to the consumer protection and customer services provisions in the bill.

Further, it clarifies that pursuant to a colloquy that I had with Mr. BOUCHER at the full committee markup, the manager's amendment would clarify that anyone with a national franchise shall be subject to all the cable operator provisions of title 6 of the Communications Act, except for those ones specifically in the pending bill.

It would also clarify that nothing in the legislation that affects existing pole attachment law. This was another concern of Mr. BOUCHER and others at full committee.

Mr. Chairman, I would urge my colleagues to support the amendment.

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

Mr. MARKEY. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume. I might add that I am not in opposition to the manager's amendment except to the extent to which the manager's amendment does not include language on nondiscrimination. Language which would ensure that all parts of a community receive the lower cable rates, not just the good parts of town where the telephone companies are going to deploy.

There is no provision in here that deals in a meaningful way with net neutrality to ensure that the Internet as we know it is preserved, protected for the future, that entrepreneurs know that they can have access to it without having to pay a discriminatory entry fee, that the telephone companies cannot tip these entrepreneurs upside down and shake money out of their pockets. That is the problem that I have with the manager's amendment. It is not that I object to what is in it. It is really what is not in it, what should have been included, what would have led to this bill being characterized as a bill which was balanced.

By the way, the bill which we had agreed upon on a handshake deal, Democrats and Republicans, was a balanced bill. It did include protections for the Internet. It did include protections for rate payers. But all of that, obviously, was objected to by the Bell companies.

Let me just make this point once again. The Bell companies had nothing to do with the creation of the Internet. The Bell companies had nothing to do with the development of the World Wide Web. The Bell companies had nothing to do with the browser in its development. In fact, AT&T was asked if they wanted to build the Internet, the packet switch network in 1966. They turned the contract down when the government went to them. And so a company named BB&N, Bolt, Betranick and Newman got the contract. It was a very small company, not AT&T.

They have had nothing to do with the development of the Internet, but now at this late date, they want to come in and to create these bottleneck control points that allow them to extract Internet taxes, Internet fees from companies and individuals who have been using the Internet for a generation.

It is this absence of nondiscriminatory language in the manager's amendment and in the bill to which I object, and I think as time goes on and, obviously, the majority has been unwilling to have this debate in the full light of day. We will be finishing this some time around midnight. And the key amendments, of course, were not even put in order for us to debate, with the exception of net neutrality which we will have 10 minutes to the proponents of net neutrality to make their case. You can barely explain the concept in 10 minutes, much less have a full debate on what the implications of it are. But that is all part of the plan by the telephone companies and the Republican majority not to have a full debate on it.

But the consequences for our country are going to be dramatic in the long run. It has taken a long time to get to this point where America has been the leader in the Internet. And tonight monopolies have arrived, finally, belatedly, as they have come to understand this technology. But a little bit of history is important to understand.

They never purchased their first foot of fiber optic until the government broke up AT&T in 1984. They never deployed their first broadband technology until 1997 after we passed the Telecommunications Act. It has always taken the government to ensure that AT&T, these telephone companies, do, in fact, innovate, such as the word can be used, when you are describing a telephone company.

The real storyline over the last 20 years has been hundreds of thousands of smaller companies using the Internet, innovating on the Internet, creating jobs and revolutionizing not only our own country's ability to communicate and create jobs, but the rest of the world's as well.

So I do not object to the manager's amendment for what is in it but rather for what is not in it. And, unfortunately, the same thing can be said for amendments which are not going to be debated here tonight because of the Republican recalcitrance, their unwillingness to have a full blown debate on perhaps the central growth issue that we will have before the Congress on this session.

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

Mr. BARTON of Texas. Mr. Chairman, I have no further requests for time. I urge a yes vote on the Barton manager's amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–491.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 15, line 16, before the period insert '', except that such amount shall be equal to 0.5 percent of such revenues in the case of a cable operator that is a small business concern owned and controlled by socially and economically disadvantaged individuals or a small business concern owned and controlled by women (as such terms are defined in section 8(d)(3) of the Small Business Act)''.

The CHAIRMAN. Pursuant to House Resolution 850, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the distinguished chairman. My amendment had very well founded and grounded intentions, and that is in this massive effort, the hard work of this committee, the fine leadership of Mr. DINGELL and Mr. MARKEY, fine leadership of Mr. BARTON and Mr. RUSH, all focus on greater opportunities. And so this amendment was to provide greater opportunity for, in fact, the small businesses, minority-owned businesses, women-owned businesses, businesses in rural areas to access, if you will, the broadband, the DSL, but opportunities to be a franchisee, if you will, and be able to have small entities that would be part of this massive reformation of this system.

So this was an effort to draw upon the funding for a particular programmatic provision in the legislation and to allow the small companies to pay less fees so they could be competitive enough to engage in what I think is a very, very important business.

I hope that as we make our way through this process of legislation and as we make our way to the Senate, we

will be reminded of language specifically that could ensure the energy of small businesses to be created. Someone gave me a terminology, I hope I have it correct, but the productivity of technology or the expansion of technology amongst many, many different groups and specifically the women-owned disadvantaged and small businesses. However, I am also aware of the fact that the peg programming supports stations like Access Houston and covers programming for issues dealing with women and minorities. So I am particularly sensitive to that issue.

Even with that in mind I do not want to eliminate, if you will, eliminate the opportunity for small businesses with this massive reformation of this broadband and DSL system as we move forward with this legislation.

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

Mr. BARTON of Texas. Mr. Chairman, I claim the time in opposition to the amendment although I am not opposed to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. I want to commend the gentlewoman from Houston for her leadership on this issue. I am somewhat unclear what her intentions are in terms of moving towards a vote. I will pledge to her to continue to work with her, if she were to withdraw the amendment, to reach a mutually acceptable resolution as we go to conference with the other body, but I am going to follow her yield or her wishes on the pending amendment.

If she calls it for a vote, I will vote yes on the amendment. If she wishes to withdraw it, I will work with her as we move forward in the normal channels of the legislative process.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman has 2½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the gentlewoman. Mr. Chairman, her amendment is a very worthwhile amendment. It goes a long way toward getting to the essence of a problem that I have determined is one of the barriers to economic parity within this Nation.

Mr. Chairman, we are sick and tired in my community of just being viewed as consumers of technology. We also want to be providers of technology. And this amendment, the Jackson-Lee amendment, would go a long way in making us providers of that amendment.

□ 1930

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am delighted to yield 30 seconds to the distinguished gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding.

I wanted to compliment her on her amendment because it focuses on a very important area and that is the diversity of technology providers, focusing on women-owned business, minority businesses and small businesses that want to compete as providers of technology, and the thrust of this bill is providing more competition. She recognizes it is providing an opportunity to help these small businesses compete.

There has been a lot of talk about build-out in neglected communities. One aspect of the bill that has not been considered is the fact that there are a lot of competitors who may go into other communities, underserved communities, who may be enthusiastic about the opportunities she is trying to provide.

So I wanted to indicate that she is on the right track with her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the distinguished gentleman from Maryland for his comments.

I want to inquire of the gentleman from Massachusetts (Mr. MARKEY) and thank him for his leadership. We know the leadership you have given. We understand the dilemma I have here because I support programmatic funding that PEG provides as well. However, I think it is important that we have at least a language statement, if you will, about the importance of small, minority, women-owned businesses to be engaged in this superhighway and this new DSL and broadband.

Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman for raising this very important issue, and really, since the beginning of my career on the Telecommunications Subcommittee, working with Mickey Leland from your district, adding in language that ensured a larger percentage of minority participation in legislation, it is without question a high goal.

What I think we all want to be sure of here is that in communities it does not take resources away from municipalities that might have gone to those very same communities, but I think we can work together in order to accomplish that.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the remaining time.

Let me thank Mr. MARKEY. I know of his history. Let me thank the chairman, Mr. RUSH and Mr. WYNN. I am passionate, as many of us are, about the embracing of small, minority, women-owned businesses and medium-owned businesses, and I like the terminology ''provider of technology.''

We want to make sure that we have extensive build-out. We want to make sure that we have the representation of our community, but I want to see some producers. I accept the kind hand of the chairman and the ranking member of the subcommittee I believe of energy and commerce and Mr. WYNN and Mr. RUSH.

With that in order to ensure a program going forward, I would like to be able to work on this language further as it makes its way through the Senate and the conference.

Mr. Chairman, I respectfully ask to withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. WYNN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–491.

Mr. WYNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WYNN:

Page 21, strike line 17 and all that follows through page 23, line 22, and insert the following:

''(B) The Commission's revised consumer protection rules shall provide for forfeiture penalties, or customer rebates, refunds or credits, or both, and shall establish forfeiture, rebate, refund, and credit guidelines with respect to violations of such rules. Such guidelines shall—

''(i) provide for increased forfeiture penalties for repeated violations of the standards in such rules; and

''(ii) establish procedures by which any forfeiture penalty assessed by the Commission under this subsection shall be paid by the cable operator directly to the franchising authority affected by the violation.

''(4) COMPLAINTS.—

''(A) IN GENERAL.—Any person may file a complaint with respect to an alleged violation of the Commission's revised consumer protection rules in a franchise area by a cable operator franchised under this section—

''(i) with the franchising authority in such area; or

''(ii) with the Commission.

''(B) LOCAL FRANCHISING AUTHORITY PROCEDURE.—On its own motion or at the request of any person, a franchising authority for a franchise area may—

''(i) initiate its own complaint proceeding with respect to such an alleged violation; or

''(ii) file a complaint with the Commission regarding such an alleged violation.

''(C) TIMING.—The Commission or the franchising authority conducting a proceeding under this paragraph shall render a decision on any complaint filed under this paragraph within 90 days of its filing.

''(5) LOCAL FRANCHISING ORDERS.—

''(A) REQUIRING COMPLIANCE.—In a proceeding commenced by a franchising authority, a franchising authority may issue an order requiring compliance with the Commission's revised consumer protection rules, but a franchising authority may not create any new standard or regulation, or expand upon or modify the Commission's revised consumer protection rules.

''(B) ACCESS TO RECORDS.—In such a proceeding, the franchising authority may issue an order requiring the filing of any data, documents, or records (including any contract, agreement, or arrangement between the subscriber and the cable operator) that are directly related to the alleged violation.

''(C) COST OF FRANCHISING AUTHORITY ORDERS.—A franchising authority may charge a cable operator franchised under this section a nominal fee to cover the costs of issuing orders under this paragraph.

''(6) COMMISSION REMEDIES; APPEALS.—

''(A) REMEDIES.—An order of a franchising authority under this subsection shall be enforced by the Commission under this Act if—

''(i) the order is not appealed to the Commission;

''(ii) the Commission does not agree to grant review during the 30-day period described in subparagraph (B); or

''(iii) the order is sustained on appeal by the Commission.

''(B) APPEALS.—Any party may file a notice of appeal of an order of a franchising authority under this subsection with the Commission, and shall transmit a copy of such notice to the other parties to the franchising authority proceeding. Such appeal shall be deemed denied at the end of the 30-day period beginning on the date of the filing unless the Commission agrees within such period to grant review of the appeal.

''(C) TIMING.—After the filing of a notice of appeal under subparagraph (B), if such notice is not denied by operation of such subparagraph, the Commission shall render a decision within 90 days of such filing.

''(7) ANNUAL REPORT.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this subsection, including the following:

''(i) The number of complaints filed with franchising authorities under clause (4)(A)(i).

''(ii) Any trends concerning complaints, such as increases in the number of particular types of complaints or in new types of complaints.

''(iii) The timeliness of the response of such franchising authorities and the results of the complaints filed with such franchising authorities, if not appealed to the Commission.

''(iv) The number of complaints filed with the Commission under clause (4)(A)(ii).

''(v) The number of appeals filed with the Commission under paragraph (6)(B) and the number of such appeals which the Commission agreed to hear.

''(vi) The timeliness of the Commission's responses to such complaints and appeals.

''(vii) The results of such complaints and appeals filed with the Commission.

''(B) SUBMISSION OF INFORMATION BY FRANCHISING AUTHORITIES.—The Commission may request franchising authorities to submit information about the complaints filed with the franchising authorities under subparagraph (4)(A)(i), including the number of such complaints and the timeliness of the response and the results of such complaints.

''(8) DEFINITION.—For purposes of this subsection, the term 'Commission's revised consumer protection rules' means the national consumer protection and customer service rules under section 632(b) as revised by the Commission pursuant to paragraph (2) of this subsection.

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Maryland (Mr. WYNN) and a Member opposed each will control 5 minutes.

Mr. DOYLE. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland.

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

One of the issues that came up as we began to develop this bill was consumer protection and the role of the local franchising authority in protecting the interests of local consumers.

The bill says that we will have a national franchise, and it also provides that under the national franchise the FCC will promulgate specific standards for consumer protection, dealing with issues such as billing disputes, discontinuation of service, loss of service, service quality, changes in channel line-up, other service features, the availability of parental controls.

The amendment that I have today basically says that, number one, an individual that has a complaint may file a complaint with the FCC or with the local franchising authority. It says that the FCC or the local franchising authority must render a decision in 90 days of the filing of a complaint. That is to address the concern that the complaint process, the consumer protection process, is too time consuming and imposes burdens on the franchisee.

Second, the amendment provides that the local franchising authority, the cities, the counties, the States, may initiate on their own a complaint proceeding and file that complaint with the FCC regarding a violation of the rules promulgated by the FCC. They may issue an order requiring that the franchisee comply with the FCC's consumer protection rules. This order will stand and may be enforced by the FCC unless it is successfully appealed.

This basically adds to the consumer protections already in the bill and enables both the individual and the local community to bring an action to enforce the rules that are set forth by the FCC to protect the consumer.

In addition, the amendment provides for an annual report, because one of the things that we wanted to see was what was going on out there once we had this new field of competition and new providers of video services. So we will have a study that will come back to our committee and our companion committee in the Senate telling us about the number of complaints the FCC has received, the trend in these complaints, the timeliness of the response to these complaints. We believe this type of information will be very useful in determining whether we need stronger rules and regulations on consumer protection.

In sum, this is a very simple and straightforward amendment that protects the consumers and involves the local communities, and I urge its adoption.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Maryland.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for yielding. This is a good amendment. I am very supportive and urge a ''yes'' vote on the Wynn amendment.

Mr. WYNN. Mr. Chairman, I thank my chairman.

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

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

I want to thank my good friend from Maryland for offering a good amendment that is quite similar to the provisions of the Doyle-Dingell amendment that was ruled out of order. No sour grapes. It is a good amendment, worthy of support, but it only goes part of the way.

I want to make sure my friends and colleagues understand that settling for the Wynn amendment is like a football team declaring victory right after kickoff.

The Doyle-Dingell amendment would have been the equivalent of winning the Super Bowl, and I say that humbly, coming from Pittsburgh.

The Wynn amendment gives local governments the right to enforce consumer complaints and outlines an FCC backstop, just like the Doyle-Dingell amendment did.

Where this amendment stops is on the enforcement of the rest of the bill. If you agree with Mr. WYNN that the principle of local enforcement and an FCC appeal is a good one, and you should, you should also agree with that same principle for issues like public access and school channels, INETs, public hearings, as well as consumer protection like the Dingell-Doyle amendment would have.

While we are on the subject of enforcement, I want to make sure my friends are aware that the House will not debate an amendment to fix the COPE Act's rights-of-way boondoggle. For my friends who have gotten calls and letters from mayors in their districts, resolutions from city councils, this amendment, while good, does not address their larger concerns about their roads, their streets, and their other public property.

If local enforcement is such a good idea, and it is, then why should local governments not be allowed to enforce their own laws about their own streets? The COPE Act sends any dispute about streets and sidewalks to the FCC in Washington, D.C. That is a fundamental change. It is so far from how the law works today, and our body needed to debate that point.

America's cities and towns and consumers will benefit from the Wynn amendment, and I thank my friend from Maryland for offering it, but it is a 5-yard gain when America needs 80 yards to score.

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

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

Let me begin by thanking the gentleman for his kind words with respect to my amendment, and I also want to thank him for his leadership, along with that of our ranking member on other issues of great concern.

I would only point out that he has acknowledged that having the FCC promulgate and allow local enforcement of this rule is a good idea. I thank you for that comment, and that is what this amendment attempts to do.

Are there other things that might be desirable? I would certainly concur with him that there are, but I would certainly appreciate support for the amendment because, as he has pointed out, it addresses at least part of the issue that local communities have expressed concern about.

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

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

I would just conclude by saying that it is better to have someone in the local jurisdiction who understands the problems of local government make these decisions than a bureaucrat down in Washington, D.C. If you want to have every municipality, every mayor, every city council have to hire a Washington attorney to go to the FCC to represent them when there is a dispute about a street opening, then we have not done a good enough job today on this bill.

The Wynn amendment is a good idea. It is a good principle. It goes halfway. It is a shame we could not have gone all the way and taken care of all the problems in this bill.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–491.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 27, line 5, strike ''$500,000'' and insert ''$750,000''.

The CHAIRMAN. Pursuant to House Resolution 850, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me thank the chairman of the committee, also a Texan. I have an amendment before us today that is really unambiguous and straightforward in its intent.

The amendment increases the maximum forfeiture penalty in the antidiscrimination section from $500,000 to $750,000 if the FCC determines that a cable operator has denied access to its services to a group of potential services because of that group's income.

It is my respectful view that an increase of 50 percent to this bill's current penalty amount is a small price for a corporation that discriminates in the delivery of video or broadband services against communities that are crying out for increased competition and affordable cable prices.

Many of the constituents that I represent are heavy cable users and heavy telephone users. The gas prices are very high. Tickets to entertainment are very high, and so cable is generally their entertainment and the telephone keeps them in touch with companies. So it is a large use many times of the lower-income communities in my congressional district and throughout America that should not be relegated to second-class citizens with regard to their ability to enjoy the fruits of cable competition that this bill touts.

I am not thrilled that the Federal Communications Commission will be delving into discrimination matters that could impact an entire class of individuals. However, it is my belief that if the FCC is to be charged with enforcing antidiscrimination laws and levying correspondent fines, the agency, one, should be sensitive as possible to complaints filed by a local franchising authority that believes a cable operator with a national franchise has violated the antidiscrimination section of this bill; and, two, respond forcefully with a meaningful forfeiture penalty that preserves the integrity of the ultimate public interest goal of universal service, particularly to individuals that stand to benefit significantly from increased competition.

Mr. Chairman, as I close, I would like to reiterate that a 50 percent increase in this bill's current penalty amount is a small price for the battle between the millionaires and billionaires, and so I do not know why I did not put $1 million here; but whether the action is motivated intentionally or the direct result of shortsightedness, cable providers should not be left off the hook for failing to bring competition to communities that need it the most.

I urge my colleagues to vote ''yes'' on this amendment.

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

Mr. BARTON of Texas. Mr. Chairman, for purposes of debate only, I rise in opposition to the amendment; but I am not in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

First, let me say about the gentlewoman from Dallas, I support her amendment. I think it is a good amendment. I think it adds to the bill, increasing the penalty by 50 percent from $500,000 to $750,000. It does increase the penalty for discrimination; and for that reason, I will be happy to support the amendment at the appropriate time.

□ 1945

Mr. Chairman, I would like to enter into a colloquy with a member of the committee, Mr. MURPHY of Pennsylvania.

Mr. MURPHY. I thank the chairman for this. I have worked with you in the committee to move this bill forward. I know it has a number of things that continue to help local franchising authorities to collect the 5 percent of revenues and also allows some other aspects in there, but I want to get to a colloquy about these two specific issues.

Many localities in my district are concerned about their continued management of rights-of-way. In Pennsylvania, such management has been said to include not only the physical, but also the fiscal management of those rights-of-way. Currently, when a cable wire carries multiple services, a Pennsylvania municipality can charge rent based on some formula for the use of rights-of-way.

Do you see the bill having an adverse effect on a locality's income by shielding operator revenue in this manner?

Mr. BARTON of Texas. Congressman MURPHY, current law allows local authorities to assess a franchise fee of up to 5 percent of a cable operator's gross revenue for the use of the public right-of-way for cable service. The Act before us would allow the localities to assess the exact same fee on holders of a national franchise.

In other words, localities may continue to collect the same rent for the use of the rights-of-way for cable service. The Act before us also preserves the locality's physical management of their right-of-way. Section 630(f) explicitly states that nothing in the Act affects the authority of the localities to manage their rights-of-way on a competitively neutral, reasonable, and nondiscriminatory basis.

Mr. MURPHY. Thank you, Mr. Chairman. One other question.

In addition to retaining rights-of-way management authority, isn't it true that municipalities would still have the authority to negotiate franchises with cable operators under this bill?

Mr. BARTON of Texas. Would you repeat the question?

Mr. MURPHY. Yes. Is it true that municipalities would still have the authority to negotiate franchises with cable operators under this bill? In other words, they still have the authority to negotiate local franchise agreements.

Mr. BARTON of Texas. For a specific period of time, the answer to that is yes.

Mr. MURPHY. Thank you, and I appreciate your responses and clarifying these issues, Mr. Chairman.

Mr. DOYLE. Mr. Chairman, would the chairman yield for a question?

Mr. BARTON of Texas. I would always yield to my friend from Pittsburgh, a member of the committee, and the new manager of the Democrat baseball team, who is so overworking his team that they are complaining to me about how hard they are having to work, yes.

Mr. DOYLE. Mr. Chairman, when you have a talent deficit, you have to work harder.

Mr. Chairman, just a question. Under the bill, if a local government had an ordinance that said you couldn't open a street during rush hour in a major artery, and the cable or phone company saw that as not reasonable and decided not to comply with that ordinance, where would the appeal process be? Currently, under law now, that appeal process takes place in local courts. Would the bill require local governments to now go to the FCC for any dispute resolution on rights of ways?

Mr. BARTON of Texas. Reclaiming my time, nothing in the pending bill will change current law with regard to how the cities control their local rights-of-way, the physical access to that right-of-way. They would have access through the local court system, and I would assume, if they wished to, they could also go to the Federal Court system or the FCC. But they can certainly continue to use the remedies available under current law.

Mr. DOYLE. If the chairman will continue to yield. So, Mr. Chairman, you are saying under the COPE bill, that any disputes with regards to rights-of-way do not have to go to the FCC for resolution?

Mr. BARTON of Texas. They have the option under the pending bill, if the gentleman were so kind to vote for it on final passage, and I know he is thinking about that, we would expand the potential remedies. They would have every remedy under existing law, plus they could also go to the Federal courts and to the FCC.

Mr. DOYLE. So if the gentleman will continue to yield.

Mr. BARTON of Texas. So far you have not tricked me, so I will continue to yield.

Mr. DOYLE. You are saying that any right-of-way dispute, any right-of-way dispute could be adjudicated at the local level and not have to go to the FCC.

Mr. BARTON of Texas. They have the option. They have the option. They have an expanded list of remedies that they currently don't have.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–491.

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. RUSH:

Page 30, after line 15, insert the following new paragraph:

''(6) FEE DISPUTE RESOLUTION.—

''(A) COMPLAINT.—A franchising authority or a cable operator may file a complaint at the Commission to resolve a dispute between such authority and operator with respect to the amount of any fee required under subsection (c)(1) or (e)(2) if—

''(i) the franchising authority or the cable operator provides the other entity written notice of such dispute; and

''(ii) the franchising authority and the cable operator have not resolved the dispute within 90 calendar days after receipt of such notice.

''(B) MEETINGS.—Within 30 calendar days after receipt of notice of a dispute provided pursuant to subparagraph (A)(i), representatives of the franchising authority and the cable operator, with authority to resolve the dispute, shall meet to attempt to resolve the dispute.

''(C) LIMITATION.—A complaint under subparagraph (A) shall be filed not later than 3 years after the end of the period to which the disputed amount relates, unless such time is extended by written agreement between the franchising authority and cable operator.

''(D) RESOLUTION.—The Commission shall issue an order resolving any complaint filed under subparagraph (A) within 90 days of filing.

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

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

Mr. Chairman, my amendment establishes a dispute resolution process for monetary disputes between local franchise authorities and cable operators. If localities and video operators have disputes over franchise fees or other fees, this amendment will allow them to negotiate a resolution in a timely process.

The amendment is simple. It sets forth a deadline for the initiation and resolution of a complaint process. First, the amendment calls for the parties to meet and settle their differences before issuing a complaint at the FCC. It simply states that a franchise authority or cable operator must provide written notice to each other if there is a dispute regarding franchise fees or PEG/I-Net support. Both parties must meet within 30 days of notification. If the local franchise authority and the cable operator have not resolved the dispute within 90 days, then both parties can petition the FCC to resolve the complaint. The FCC then has 90 days to resolve any fee disputes.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this amendment.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, for purposes of debate, I rise to claim the time in opposition, but I am not in opposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I do support the Rush amendment. I think it is an addition to the base bill, and it continues to show the excellent leadership that Mr. RUSH is providing on this issue, and I would urge my colleagues at the appropriate time to support the amendment.

At this point in time, I would like to enter into a colloquy with the gentleman from Washington, Congressman REICHERT.

Mr. REICHERT. Mr. Chairman, I appreciate your leadership on this legislation and I would like to call attention to an issue of extreme importance to America's public safety providers: The inability of Americans to use 911 on their Voice Over Internet Protocol phones. As a former cop, this certainly ranks high on the list of my concerns.

The Federal Communications Commission attempted to address this issue by requiring Voice Over IP companies to provide enhanced 911 before they could sell their services. I am largely in favor of this bill; however, it does reverse the FCC ruling. It allows Voice Over IP companies to continue to sell telephone service without having to properly route 911 calls for as long as 6 months after entering a new market. Six months is too long to wait, which is why many first responders have not embraced this bill.

There have already been tragedies and near tragedies that have occurred when Voice Over IP consumers have tried to call 911 in an emergency. To call 911 and receive the service is a necessity regardless of the type of phone service a caller is using. Customers expect this capability.

The ability to provide every American full access to 911 is of great concern to me. Our first duty is to protect American citizens. I urge you to address this issue before the legislation is finalized in conference.

Mr. Chairman, thank you for allowing me this opportunity voice my concerns.

Mr. BARTON of Texas. I thank the gentleman from Washington for raising this issue. We agree that as a matter of both public policy and public safety, American citizens should have access to basic 911 service.

I understand your perspective on this concern, as a former law enforcement officer who had to respond to 911 calls himself for many years. I will work in conference to address your concerns.

I can add that Mr. GORDON of Tennessee and Mr. PICKERING of Mississippi, just to name two members of the committee, share your concerns and are working on this issue.

Mr. REICHERT. I thank the Chairman and look forward to working with you.

Mr. BARTON of Texas. I have no other requests for time, urge a ''yes'' vote on the Rush amendment, and I yield back the balance of my time.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–491.

Mr. SMITH of Texas. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SMITH of Texas:

Page 44, after line 12, insert the following (and make such technical and conforming changes as may be appropriate):

''(d)(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of the antitrust laws or the jurisdiction of the district courts of the United States to hear claims arising under the antitrust laws.

''(2) DEFINITION OF ANTITRUST LAWS.—The term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.''

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

The Internet has succeeded beyond our wildest dreams, in large part, because the government has not tried to regulate its growth. I sympathize with the concerns of those who want to regulate the Internet, but we do not want to destroy the wonderful tool the Internet has become in order to save it. Frankly, I do not think we have the ability to perceive how the Internet will grow or to direct that growth.

I am more comfortable leaving these matters to the antitrust courts and the FCC to decide on a case-by-case basis in the context of specific factual situations, and that is what this amendment would do. It is a simple antitrust savings clause. It makes clear that the language in the bill that gives the FCC exclusive jurisdiction of network neutrality complaints does not displace the antitrust laws or the jurisdiction of the courts to hear antitrust cases in this area. These cases would be heard under existing antitrust standards.

Look at what the Internet was 10 years ago and look at what it is now. It would not be anything like what it is today if we had tried to regulate it then. The courts and the FCC are sometimes slow, but they are much better equipped to work through the complicated fact situations that these issues present. We can always come back and legislate in the future if they fail in their task.

This amendment makes sure that broadband service providers are subject to antitrust lawsuits. In my experience, most people would consider that to be a pretty heavy burden. If those broadband service providers lose such a suit, they are subject to the whole range of antitrust remedies, including treble damages, injunctions, and attorneys' fees. The people who are for the various provisions designed to ensure network neutrality are the same people who usually push these kinds of antitrust remedies.

Some will argue you should skip over this amendment and vote for the Markey amendment. It is true that the Markey amendment includes an antitrust savings clause, and I appreciate Mr. MARKEY's desire to keep the Judiciary Committee involved in this area. The problem with his amendment is that it is a package deal. Not only do you get an antitrust savings clause, you also get to impose his vision of how he and the government would regulate the Internet. I do not think, Mr. Chairman, anyone is qualified to dictate how the government should control the Internet. The Internet has done pretty well on its own without any interference from any of us.

So the choice is this: Do we let the Internet grow on its own, as it has for the last 10 years; or do we tie its future to government regulation? To me, that is an easy choice, and that is why I offer this amendment.

I urge my colleagues to support this amendment and oppose the Markey amendment.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Smith amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I wanted to clarify some things with the author of the amendment. Does your amendment deal specifically with the complaint adjudication process with regards to antitrust laws and the jurisdiction of the courts to hear such cases?

Mr. SMITH of Texas. If my friend will yield, the answer is yes, that is correct.

Mr. BARTON of Texas. With that understanding, I am going to change from opposition to support and encourage you for offering the amendment.

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Mr. CONYERS. Mr. Chairman, I rise to claim the time in opposition to the amendment of the gentleman from Texas on the Judiciary Committee, Mr. SMITH. I am opposed to the amendment.

The CHAIRMAN. The gentleman from Texas has claimed the time in opposition.

Mr. BARTON of Texas. Mr. Chairman, I will be happy to yield to the distinguished ranking member of the Judiciary Committee. I believe I probably still have 4 minutes; is that correct?

The CHAIRMAN. The gentleman has 4½ minutes remaining.

PARLIAMENTARY INQUIRY

Ms. ZOE LOFGREN of California. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman may state her inquiry.

Ms. ZOE LOFGREN of California. Isn't it necessary to claim the time in opposition to actually be opposed, and the chairman of the committee is not opposed to the amendment.

Mr. BARTON of Texas. Mr. Chairman, I was opposed at the beginning of the debate.

The CHAIRMAN. The gentleman will suspend.

The gentleman stated he was opposed, and the Chair took the gentleman at his word when allocating the time.

Mr. BARTON of Texas. Mr. Chairman, I respect Mr. CONYERS. He is a good man. He is in serious opposition. I have 4½ minutes remaining. I would be happy to yield those 4½ minutes to my good friend, Mr. CONYERS.

The CHAIRMAN. The gentleman from Michigan is recognized for 4½ minutes.

Mr. CONYERS. Mr. Chairman, I want to thank the chairman, Mr. BARTON, because I am sure this could have been cleared up and it was an inadvertent mistake and I thank him for his generosity in correcting this matter.

I would like to share some of this time in opposition with the gentlewoman from California (Ms. ZOE LOFGREN), but I rise against the Smith amendment because what we have here is a problem of an amendment that does not really promote the goals of net neutrality as we understand them.

It is a horse, a beautiful horse, but it is a Trojan horse. The language is disguised as meaningful net neutrality protection, but it is actually an empty shell.

The current law already allows for an antitrust remedy for violations of anticompetitive conduct; but when it comes to net neutrality, there are no rules, no guidelines telling the gatekeepers of the Internet what kind of conduct is allowed and what kind is not allowed.

The telephone and cable companies have made it clear they intend to use their market power to charge companies who want to distribute their content over the Internet, thereby determining what a consumer can access.

The Sensenbrenner-Conyers net neutrality amendment which we hoped to have made in order would have provided clear guidelines. I have five specifics that would make it very clear as opposed to what the Smith amendment does not do, and I include them for the RECORD.

H.R. 5417 reasserts an antitrust remedy for anticompetitive conduct in which the

broadband network provider: (1) fails to provide network services on reasonable and nondiscriminatory terms; (2) refuses to interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis; (3) blocks, impairs or discriminates against a user's ability to receive or offer lawful content; (4) prohibits a user from attaching a device to the network that does not damage or degrade the network; or (5) fails to disclose to users, in plain terms, the conditions of the broadband service.

I will reserve our time on this side.

The CHAIRMAN. The gentleman from Texas controls the time.

Mr. BARTON of Texas. Mr. Chairman, if I do, I will be happy to yield to the gentlewoman from California. I want there to be a full debate on this.

The CHAIRMAN. The gentleman from Texas controls the time.

Mr. BARTON of Texas. How much time do I still have?

The CHAIRMAN. The gentleman from Texas has 2½ minutes remaining.

Mr. BARTON of Texas. I would like to yield Ms. LOFGREN 2½ minutes if she so wishes.

The CHAIRMAN. The gentlewoman from California is recognized for 2½ minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just like to point out that the Smith amendment does absolutely nothing. The amendment is to the Communications Act, not to the Clayton or Sherman antitrust acts; and whether or not we past this amendment, the current antitrust laws will continue to operate as before.

The savings clause neither creates new net neutrality protections nor takes them away. It is superfluous, it is nothing, and it is meant to encourage Members who actually are for net neutrality into thinking they can somehow get away with being for net neutrality but doing nothing.

The Trinko case contained a similar antitrust savings clause. The Telecommunications Act of 1996 and the Trinko case basically held there were no antitrust remedies for anticompetitive conduct in areas regulated by the Telecommunications Act.

The whole issue is how the antitrust laws apply. I would point out that our committee, the Committee on the Judiciary, reported out by a vote of 20–13 a bill introduced by Chairman SENSENBRENNER and the ranking member, Mr. CONYERS, that actually did provide antitrust remedies for these Internet provisions. Inexplicably, the real bill, the real amendment that the chairman of the committee and the ranking member crafted and that won a majority of support, bipartisan I would add, on the committee to be reported out, was not made in order for us to discuss today. Instead, this phony amendment was made in order.

I would like to say something else about this rhetoric about regulation. Antitrust law is not regulation. It sets the standard for what monopolies cannot do. It is not a regulatory approach. It is a set of laws that keep monopolies from squeezing the little guys, which is what is going to happen if we do not get real net neutrality in this bill.

The Markey amendment was put in order. We can vote for that, and I hope it passes. If it does not, we will end up with the dualopolies or the monopolies turning the Internet into a kind of cable television outfit.

When the public finds out what we are doing to their Internet, the dome is going to collapse with the uproar they create. For Members who have been here a long time and remember the vote that they took that allowed cable TV rates to go through the roof, that uproar is going to be nothing compared to what you hear if this measure goes forward.

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

Mr. Chairman, let me say again that I sympathize with the concerns of those who would oppose this amendment. I want a vibrant Internet just like they do. Our disagreement is over how best to achieve that. I say let entrepreneurs develop it freely. They say let the government dictate it. It is an honest difference of opinion, but I think we have a 10-year track record and the entrepreneurs have got us to where we are today.

My amendment deals only with antitrust, so I urge my colleagues to reject government regulation of the Internet. Vote for the Smith amendment and against the Markey amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

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

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109–491.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MARKEY:

Strike section 201 of the bill and insert the following:

SECTION 201. NETWORK NEUTRALITY.

(a) AMENDMENT.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 715. NETWORK NEUTRALITY.

''(a) POLICY.—It is the policy of the United States—

''(1) to maintain and enhance the vibrant and competitive free market that presently exists for the Internet and Internet services, upon which Internet commerce relies;

''(2) to preserve and promote the open and interconnected nature of the Internet and consumer empowerment and choice;

''(3) to foster innovation, investment, and competition among network providers, as well as application, content, and service providers;

''(4) to ensure vigorous and prompt enforcement of this section's requirements to safeguard innovation, consumer protection, and marketplace certainty; and

''(5) to preserve the security and reliability of the Internet and the services that enable consumers to access content, applications, and services over the Internet.

''(b) IN GENERAL.—Each broadband network provider has the duty—

''(1) not to block, impair, degrade, discriminate against, or interfere with the ability of any person to use a broadband connection to access, use, send, receive, or offer lawful content, applications, or services over the Internet;

''(2) to operate its broadband network in a nondiscriminatory manner so that any person can offer or provide content, applications, and services through, or over, such broadband network with equivalent or better capability than the provider extends to itself or affiliated parties, and without the imposition of a charge for such nondiscriminatory network operation;

''(3) if the provider prioritizes or offers enhanced quality of service to data of a particular type, to prioritize or offer enhanced quality of service to all data of that type (regardless of the origin of such data) without imposing a surcharge or other consideration for such prioritization or enhanced quality of service;

''(4) to enable a user to attach and use any device to the operator's network that does not physically damage, make unauthorized use of, or materially degrade other users' utilization of, the network; and

''(5) to clearly and conspicuously disclose to users, in plain language, accurate information about the speed, nature, and limitations of their broadband connection.

''(c) PRESERVED RIGHTS AND EXCEPTIONS.—Nothing in this section shall prevent a broadband network provider from taking reasonable and nondiscriminatory measures to—

''(1) manage the functioning of its network to protect the security of such network and broadband network services, provided that such management does not depend upon the affiliation with the broadband network provider of the content, applications, or services on the network;

''(2) offer varied service plans to users at defined levels of bandwidth and different prices;

''(3) offer consumer protection services (including services for the prevention of unsolicited commercial electronic messages, parental controls, or other similar capabilities), or offer cable service, so long as a user may refuse or disable such services;

''(4) give priority to emergency communications and telemedicine services; or

''(5) prevent any violation of Federal or State law, or comply with any court-ordered law enforcement directive.

''(d) EXPEDITED COMPLAINT PROCESS.—Within 180 days after the date of enactment of this section, the Commission shall prescribe regulations providing for the expedited review of any complaints alleging a violation of this section. Such regulations shall include a requirement that the Commission issue a final order regarding any request for a ruling contained in a complaint not later than 30 days after the date of submission of such complaint.

''(e) DEFINITIONS.—As used in this section:

''(1) BROADBAND NETWORK PROVIDER.—The term 'broadband network provider' means a person or entity that owns, controls, operates, or resells and controls any facility used

to provide broadband network service to the public, by whatever technology and whether provided for a fee, in exchange for an explicit benefit, or for free.

''(2) BROADBAND NETWORK SERVICE.—The term 'broadband network service' means a two-way transmission service that connects to the Internet and transmits information at an average rate of at least 200 kilobits per second in at least one direction.

''(3) USER.—The term 'user' means any person who takes and uses broadband network service, whether provided for a fee, in exchange for an explicit benefit, or for free.''.

(b) SAVINGS PROVISION.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of the antitrust laws, as such term is defined in section 602(e)(4) of the Telecommunications Act of 1996.

In the heading of title II of the bill, strike ''**ENFORCEMENT OF BROADBAND POLICY STATEMENT**'' and insert ''**NETWORK NEUTRALITY**''.

Conform the table of contents accordingly.

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding this time to me.

The Internet is a platform for innovation unequaled in American history. It has enabled the creation of hundreds of thousands of jobs and has driven the growth and the technology industry, which in turn has driven the growth of the American economy.

But innovation on the Internet is now at risk. The openness and accessibility that have defined the Internet experience are now threatened. Broadband providers are planning a two-lane Internet with a fast lane for their content and for the content of those who pay, and a slow lane for everyone else. Start-ups cannot afford the fast lane fees, and in the slow lane they cannot succeed. Innovation is at risk.

The Markey amendment which I am pleased to cosponsor will keep the Internet open. It will keep the toll booths from being erected. It is essential to the promotion of the American economy. This is the most important debate that we are having on this bill. There are those who will say that we have the time to wait; we should simply see how this works out. Make a determination 5 or 8 or 10 years down the road about how the two-lane Internet is faring. And if innovation is threatened, if problems arise, then we can always come back and make corrections.

My message tonight is that we will have one opportunity to act, and it is tonight. History shows us that once a business model goes into effect and revenues are being derived from that business, jobs depend on that business, stock valuations depend on that business, and it is virtually impossible for Congress under those circumstances to take that business model away. And so tonight is the night.

The Markey amendment is the amendment. It will preserve the openness and accessibility of the Internet. It will keep it a platform for innovation for the 21st century, and I urge its adoption.

Mr. BARTON of Texas. Mr. Chairman, I rise in strongest possible opposition to the Markey amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. UPTON), the distinguished subcommittee chairman.

Mr. UPTON. Mr. Chairman, I live by an adage: if it ain't broke, don't fix it. No Internet service provider ought to be able to block access to your favorite Web sites or Internet applications, and I have to say that there are protections in this bill which preserve those rights. There is no evidence of any problem. And if they surface, we have some protections in here.

Let me read what they are. This bill, Barton-Rush bill, ensures that consumers are entitled to: one, access the lawful Internet content of their choice; two, run applications and services of their choice, subject to the needs of law enforcement; three, connect their choice of legal devices that do no harm to the network; and, four, competition among network providers, application and service providers, and content providers.

We give the FCC the explicit authority to enforce those principles, in fact, a fine for up to half a million dollars for every violation. We have a 90-day time clock to make sure that they are adjudicated properly and in a timely fashion.

The Internet has a great history of developing free of taxation and regulation. We want to keep it that way, and that is why we should vote ''no'' on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, the Internet, the World Wide Web truly are the most magnificent intellectual achievements since the invention of the printing press. And tonight the U.S. Congress, if it does not do its job, will severely let down that marvelous achievement of the human intellect because today, at least until last August, engrained in the DNA of the Internet was a principle of nondiscrimination and freedom among all sources of information on the Internet.

Unless we pass the Markey amendment and preserve net neutrality, that basic DNA is going to be subject to mutation, to discrimination.

We have a simple proposition in the Markey amendment, and that is just as all men are created equal, all bits are created equal and we must treat all bits of information fairly, accurately, and without discrimination.

If this amendment does not pass, we will for the first time, for the first time allow the infection of discrimination to discriminate amongst bits of information. I note this because the opponents of this amendment, the Markey amendment, are saying we have to get these entities that use these services to pay. No doubt. And under the marketing ability, you will be able to charge for the distribution of bits. But what we should not allow is to discriminate amongst those who in fact enter the on-ramp of the Internet information superhighway.

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We will continue to allow people to charge depending on how many bits you send through the pipe. But what we should never allow, and until last August, we have not allowed, is the discrimination about who is sending those bits across this information super highway.

Preserve the basic DNA of the Internet. Pass the Markey amendment and preserve freedom of access of information.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the distinguished member of the subcommittee and full committee, the gentlewoman from Nashville, Tennessee, Congresswoman BLACKBURN.

Mrs. BLACKBURN. Mr. Chairman, I rise in opposition to the Markey amendment.

This afternoon I went to the computer and I pulled up Google and then I pulled up Yahoo and in my search engines I put ''network neutrality.'' Interesting what I found.

Well, I found article after article that I certainly believe has their facts wrong, because network neutrality is a term that people can't agree on. Everybody has got a different definition.

Now, while that bothered me, Mr. Chairman, I believe that it is important that we do a couple of things. One of those is I don't think the government ought to tell Google and Yahoo how to rank or present their information. That is not a road that we want to go down. But that is what the Markey amendment would do. It would force companies that build and maintain the networks where the data flows to present and categorize data in packets according to a government standard. Once we have done that, Mr. Chairman, the next thing is going to be having a Secretary of Internet access. I don't believe that is somewhere we want to go.

The COPE bill says that individuals should be able to connect any device to the Internet and access legal content.

Mr. MARKEY. I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank our distinguished ranking member of the Telecommunications Committee in the House. And everyone knows that when he speaks about anything that is related to telecommunications, he knows of what he speaks. And that is why this amendment that bears his name, and I am proud to have my name as a part of this amendment as well, why it is so important.

Now, for people that are listening in to us this evening, what is this debate about? What does the term ''net neutrality'' mean? I think the better way to describe this is what does the Internet look like today? How does it function? What does it represent? What are the opportunities? Who takes advantage of these opportunities? Is anyone discriminated against when they go to use the Internet? Whether it is a small Web company, whether it is an individual user, whether it is a university, a library, a school, seniors in the senior center, those that are at home, those of us in Congress, our staff, it is not discriminatory. It is open. Everyone has equal access to it.

So what is this debate about? The telephone companies, and let's face it, if they really were in charge of the future, they would have allowed cell phones, and they didn't. I mean, these people are really part of the past, I am sorry to say. So what this is is a profound change to the Internet.

What will the change be? The telephone companies have come to the Congress and said, change the rules. Rewrite the rules. We want to be able to offer our own tier, our own speed and charge for it. I think that this is flawed, deeply flawed. And I think if we move in this direction, we will be moving away from the future. This debate is really all about the future, the future of the Internet and what we want it to look like.

Our Republican friends have done some real heavy lifting here. Some Democrats too, but I will tell you something. I take my hat off to the Republicans. They have done everything for the telephone companies, everything, at a cost to what is one of the greatest sources of pride of America, a free and open Internet that is accessible to everyone. It has worked. We are the envy of the world as a result of it. We should not tamper with it. Vote for net neutrality.

Mr. BARTON of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman of the full committee hailing from the great Alamo City, birthplace of Texas democracy, Mr. GONZALEZ.

Mr. GONZALEZ. Mr. Chairman, first of all, the advocates for this amendment claim this amendment is about consumers, the little guy. Countless of bloggers have written all Members of Congress in fear if this amendment does not pass, they will no longer be free to express their opinions on the Internet and have their voices heard. Let me tell you as directly as I can to all the bloggers out there, to all of e-mailers out there, to all the households out there, to the average American, this Markey amendment is not about you. It is not about the consumer.

So what is it? I will tell you what it is. First, it is a guarantee that the consumer will be the only one to finance the building, the maintenance and the improvement of the Internet highway. That is what the Markey amendment will do.

It imposes and establishes, secondly, a massive Federal regulation by mandating and dictating conditions on how the Internet will evolve without any consideration for technological advances and emerging business practices and models.

The Markey amendment does this. It picks sides. It creates inferior and superior stakeholders in the Internet.

And lastly, this is the Markey amendment, in my own opinion. It is driven by a hostility against one particular business entity that is involved and is a stakeholder in the Internet.

It is unfair when this body takes sides and does not allow the marketplace and innovation, imagination, creativity, technological and business practices to flourish in our society. We do a disservice. Vote ''no'' on Markey.

Mr. MARKEY. I yield 1½ minutes to the ranking member of the full commerce committee, the gentleman from the State of Michigan, Mr. DINGELL.

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

Mr. DINGELL. Mr. Chairman, and my colleagues, this is a good amendment. If you want to improve the bill, and I suspect the Bells don't want you to, and they may not even permit you to. But the hard fact of the matter is this preserves network neutrality.

The bill, as it now constitutes, says that the FCC shall do certain things. But it denies them specifically the authority to write rules under which uniform treatment will be afforded to all persons. It imposes, or permits the imposition of huge fines. But the fines will never be imposed.

What network neutrality does, it sees that everybody is treated alike with regard to use of the Internet. That has been a principle which has been applied to the Internet and Internet use since it was first originated.

This legislation permits the Bells to begin to disregard that, to pick and choose whom they will serve, to determine the conditions under which they will afford service, and to create a situation where there will be no rights and no capacity for the user of the Internet or the companies which provide Internet service to see to it that they can protect their rights.

The Markey amendment, which is before us, gives us some assurance that the FCC will be able to do some of the things that it should do to see to it that we preserve the Internet as we have known it, to protect the users, to protect the companies which provide this service, to protect the libraries, the schools, the individuals and the universities.

I urge adoption of the amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the pride of New Providence, New Jersey, a member of the full committee, Mr. FERGUSON.

Mr. FERGUSON. Mr. Chairman, I rise in strong opposition to the Markey amendment. This amendment is essentially a solution in search of a problem. When we considered this bill in both the subcommittee and in the full committee, we asked experts to identify one example of a problem that this amendment would solve. They couldn't point to one example where a Bell-operated company or a cable company had blocked access to their networks or infringed on so-called Internet freedom.

Further, when we asked these experts to define net neutrality, these same experts couldn't even agree on a definition for this term or even provide a description that was less than confusing.

I am concerned that this amendment will give the FCC the authority to impose old network common carriage requirements on new networks.

Since the advent of the Internet, Congress's hands off policy has allowed the World Wide Web to prosper by having the market pick winners and losers, rather than the government.

The Markey amendment takes us in the opposite direction. It forsakes the free market in favor of government price controls. This amendment would chill investment in broadband network and deployment of new broadband services, and, at the end of the day, very simply, it would reduce choice for our constituents. The Internet has prospered very well without this type of heavy-handed interference.

This amendment is not about network neutrality, it is about network neutering, and this amendment should be defeated.

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

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to another member of the Energy and Commerce Committee, the pride of the entire State of Nebraska, Mr. Lee Terry.

Mr. TERRY. Mr. Chairman, the interesting irony about this is that the bill, as written, does not regulate or tamper or mess with anything on the Internet. The amendment that we are discussing here is the regulation of the Internet. And I agree with the Speaker beforehand. There is not an issue today on prioritization along the network or through the pipelines.

I look at it like, this amendment, if it was brought up 100 years ago, would have froze the Pony Express into that permanent state. But yet, we all know that later on developed first class mail, airplane, FedEx, UPS and a variety of different ways to deliver to the consumer. I say, let's wait until there is a discriminatory process that is put in place, that is anti-consumer and trying

to guess that something that, we don't know what, may happen in the future. Let's not regulate the Internet today. Let's defeat this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to another member of the distinguished Energy and Commerce Committee who hails from Houston, Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I hope I am also the pride of the whole State of Texas.

Mr. BARTON of Texas. He is the pride of the entire State of Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I will include my full statement in the RECORD, and I will paraphrase it.

The Internet is made of numerous interconnected, privately owned networks. It has become the amazing resource it is today without the law on network Internet neutrality.

The FCC, in 2005, released four network neutrality principles and they are in this language. H.R. 5252 enacts these network principles into the law, sending a strong anti- or nondiscrimination message to the telecommunications industry.

As we listen to the debate, the supporters of the Markey amendment will use these four principles in their rhetoric, but their amendment adds a much different network neutrality principle. The Markey amendment bans residential Internet providers from charging large Internet content providers for maintenance or upgrades based on how much bandwidth they are using.

The Markey amendment means higher praises for the consumers, those of us who pay monthly, while large Internet content providers get a free ride over the portion of the Internet that is the most need for investment.

Supporters claim the Internet companies pay for their network. The problem is, with television and video, it requires more bandwidth. They have got to make that investment. Are we going to put it on our constituents individually, or are the people who are making the money going to pay for it?

The Internet is made of numerous interconnected privately-owned networks, and it became the amazing resource it is today without any law on Internet network neutrality.

In 2005, the Federal Communications Commission released four network neutrality principles:

(1) consumers are entitled to access the lawful Internet content of their choice;

(2) consumers are entitled to run applications and services of their choice;

(3) consumers are entitled to connect their choice of safe, legal devices; and

(4) consumers are entitled to competition among network, application, service, and content providers.

Some people say we need to pass the Markey amendment to prevent blocking of websites or anticompetitive behavior. This is not the case.

The (COPE) Act, H.R. 5252, enacts these net neutrality principles into law, sending a strong non-discrimination message to the telecommunications industry.

As we listen to the debate, the supporters of the Markey amendment will use these four FCC principles for their rhetoric, but their amendment adds a much different network neutrality principle.

The Markey amendment bans residential Internet providers from charging large Internet content providers for maintenance or upgrades based on how much bandwidth they are using.

The Markey amendment means higher prices for consumers while large Internet content providers get a free ride over the portion of the Internet that is in most need of investment.

Supporters claim that if Internet companies pay their way on the network we will hurt entrepreneurs.

Any website that takes up a lot of bandwidth already has always paid more to Internet backbone providers if they are putting a lot of content on the Internet and generating a lot of traffic.

Now many of these companies are complaining about paying local Internet network owners for the use of their networks.

The issue for the future is when websites offer high-bandwidth services like high-definition movies, television, and video games from websites, all over the Internet.

These applications require guaranteed high quality service, something that's not usually available on the Internet today.

To upgrade the ''last mile'' of broadband to accommodate these new services while keeping consumer prices low, telephone and cable companies may need to offer premium service to large Internet content companies.

The Markey amendment bans this commercial arrangement and sends the whole bill to the consumers.

Congress should ensure that no Internet service is blocked or degraded by cable or telephone companies, and the COPE Act does just that.

This point is so important we should repeat it: the underlying text of the COPE Act puts network neutrality into law for the first time. No anticompetitive discrimination is allowed.

The Markey amendment goes much further, and regulates the price of Internet traffic between large network operators and large Internet content providers.

A good definition of wisdom is not how much you know, but if you know what you don't know.

Most of us do not fully understand how the Internet works on a detailed basis or the financial arrangements that build our networks.

The Internet has thrived without Congressional intervention on prices and commercial arrangements, and it will do so in the future. If it ain't broke, don't fix it.

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

Mr. MARKEY. I yield myself the balance of the time.

This debate is a travesty. We are allowed 10 minutes to explain this fundamental change in the whole history of the Internet. It is pretty much a joke.

If two consumers go into a car dealership and one wants to buy a Ferrari and another decides to buy a Ford Taurus, that is their choice. The Ferrari is expensive and has all sorts of bells and whistles. But once those two customers drive the Ferrari and the Taurus off the lot, the car dealership shouldn't be allowed to tell them where they can and cannot drive. We don't have certain roads or destinations just for Ferraris or just for Taurus drivers, and the auto dealership certainly shouldn't be permitted to put up new toll booths to extract fees on those highways. That limits freedom. That is what the Republicans and the Bell companies are doing tonight.

If you like the way the Internet is today, vote for the Markey amendment. If you don't want new broadband taxes, fees imposed upon the Internet, vote for the Markey amendment. If you agree with the National Religious Broadcasters, with the Gun Owners Association, Common Cause, the Christian Coalition, and the ACLU, you vote for the Markey amendment tonight. Because if you don't, there is going to be a fundamental change in the whole history of the Internet. You can't put together a coalition like that unless something fundamental is happening in America. It goes to voices, all of these organizations who feel it is going to be limited, and choices, the choices that consumers are going to have and the choices that entrepreneurs are going to have in getting onto this information highway without having to pay special fee or tax to the telephone companies or cable companies. Vote ''aye'' for the Markey amendment. Preserve network neutrality, preserve the Internet as we know it today. There is nothing wrong with it, and you won't hear a word from the Republicans or from the telephone companies making a case that there is anything wrong.

Mr. BARTON of Texas. I yield myself the balance of the time.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

MR. BARTON of Texas. Mr. Chairman, I listened with a great degree of respect to the gentleman from Massachusetts as he rose in defense of his amendment. And I agree that, if a consumer goes into that dealership and you could find a dealership that was selling a Ferrari alongside with a Ford Taurus, that the consumer has the right to choose which vehicle to purchase and he has the right to take that vehicle out on the highway and he has the right, subject to the laws of the State, to drive it as fast as he or she wishes. That is what the underlying base bill does.

We are debating a term of ''net neutrality'' that didn't exist 9 months ago. We are debating a term that, as Mr. FERGUSON pointed out in his remarks, there wasn't even agreement among the experts exactly what it was when we had a hearing on this before the full committee. But we understand, just as Mr. MARKEY supports, we understand that, whatever net neutrality is, we want to preserve the open access nature of the Internet, number one.

Number two, we also want to bring the United States out of the undeveloped nations, so to speak, in terms of broadband deployment.

Now, the underlying purpose of this bill is to get the private entrepreneurs of this country to put the billions and billions and billions of dollars that are necessary to get the broadband deployment into the homes hopefully of every American home in this country, and then use that to unleash the creative entrepreneurship of our creative community to develop new services and new ways of providing those services so that all Americans can have access to some of these new services that are promised if we actually make this bill a reality.

What Mr. MARKEY's amendment really does, if we were to adopt it, is say you can't charge for any of that; you can't differentially price between the Taurus and the Ferrari, you have to charge everybody the same. And, if you do that, you are not going to get the deployment.

Now, the base bill says we are not sure what net neutrality is, but we agree it should be preserved, and we want the FCC to preserve it. And, we explicitly give the FCC the authority to punish a transgression once it is identified on a case-by-case basis and to do it within 90 days.

Now, if you really want to unleash the creative energy, if you really want this to be a jobs bill, if you really want the United States to go from twelfth in broadband deployment into hopefully number one, vote against Mr. MARKEY and for the underlying bill. That is real net neutrality.

Ms. PELOSI. Mr. Chairman, I salute my colleagues, Congressmen DINGELL, MARKEY, INSLEE, and BOUCHER, and Congresswoman ESHOO for their leadership on this issue of vital importance to the future. I also want to recognize the leadership of Congressman JOHN CONYERS and Congresswoman ZOE LOFGREN for their work on Net Neutrality in the Judiciary Committee.

HISTORY

When Lewis and Clark made their historic journey of discovery two centuries ago, information could only travel as fast as a horse could run or a boat could sail. Now information travels in an instant. And just as railroads and highways did in the past, broadband has dramatically increased the productivity and efficiency of our economy and will continue to do so in the future. It has created jobs today, and will create even more jobs tomorrow.

INNOVATION AGENDA

Last fall, House Democrats introduced our Innovation Agenda: A Commitment to Competitiveness to Keep America Number One. In that Agenda, we have called for affordable broadband access for every American within 5 years.

INTERNET

The reason we want to bring broadband to everyone is because that key infrastructure brings the Internet to everyone. In turn, the Internet brings us the world—a world of information, communications, and commerce. The Internet brings us the future.

Since its inception, the Internet has been characterized by its openness—its freedom. That freedom has enabled innovation to flourish.

Magnificent disrupters like Jerry Yang of Yahoo! and Larry Page and Sergey Brin from Google built businesses based on big ideas, bringing spectacular new innovations and services to billions of users.

NET NEUTRALITY

About a year ago, the FCC and the Courts changed the way the Internet is regulated.

Due to that change, there could be the equivalent of new taxes on electronic commerce.

Telecommunications and cable companies are now able to create toll lanes on the information superhighway, essentially permitting new, discriminatory fees—a new broadband bottleneck tax—on Web-based businesses to reach consumers.

This strikes at the heart of the free and equal nature of the Internet and would fundamentally change the way the Internet currently works.

America's small businesses and entrepreneurs could be left in the slow lane with inferior Internet service, unable to compete with the big corporations that can pay Internet providers toll charges to be in the fast lane. Bloggers, our citizen journalists, could be silenced by skyrocketing costs to post and share video and audio clips.

The Markey amendment will prevent those toll lanes. The Markey amendment will allow the innovative tradition of the Internet to continue by enacting protections that ensure all consumers are able to access any content they wish with the same broadband speed and performance. The Markey amendment will preserve the equality, openness, and innovation of the Internet that has defined it since its first days.

CONCLUSION

I urge my colleagues to vote in favor of the future, to vote in favor of Net Neutrality by supporting the Markey amendment.

Mrs. CAPPS. Mr. Chairman. I rise in strong support of the Markey amendment to maintain network neutrality on the Internet.

This is probably one of the most important issues this Congress will face this year.

At issue is whether we maintain the current system of nondiscrimination on the network or whether we allow this engine for innovation and progress to be controlled by a few large corporations.

As we all know, the Internet has a history of openess and freedom. To be sure, all this freedom has its questionable effects—an enormous amount of chaos, loud and intemperate voices opining on everything under the sun, and an unparalled proliferator of unfounded rumors.

I'm sure we all remember the infamous—and mythical—Congressman Schnell who was introducing legislation to tax the Internet? Only the Internet could start and rapidly transmit—and keep going for years—such an easily knocked down rumor.

But it is precisely this unbridled freedom on the Internet that has also brought us innovation on an almost unimaginable scale over the last decade or so. The explosive growth of everything from web-based businesses to politically-based sites to newsgathering sources has been nothing short of amazing. And much of that growth is attributable to the ease with which anyone can access the world wide platform of the Internet.

We simply have to protect that level of freedom and openess on the Internet.

And yet, the head of AT&T is loudly calling for changes that could seriously undermine the Internet and perhaps marginalize its innovative qualities in the future.

I am extremely concerned about what the Internet might look like under a regime where one—or more likely, all—of the big broadband networks decides what data bits can move at what speeds across the network.

The large phone and cable companies will tell us all that they have no desire to reduce the freedom of the Internet. They will tell us such a move would be bad for business if nothing else. And they are telling us that there is no problem to be solved, that all this talk about network neutrality is just theoretical.

But how can we believe any of this when AT&T's CEO refers to the paths for Internet access as "his pipes" and he vows to make some users pay for access to these pipes? That sounds very clear to me and I find some agreement with one Internet expert who referred to this as the "Tony Soprano business model."

The danger is twofold. First, it means that small players on the Internet will find it harder to use the world wide reach of the Internet to bring their new ideas to market.

The danger is not to Google, but to the next potential Google. That new idea that might upend Google or MySpace won't get very far if it can't match the reach of those behemoths. The inability to pay phone and cable company fees for the "fast lane" will keep new ideas out of the market.

Second, the lack of net neutrality allows for the distinct possibility that the phone and cable companies could block or slow the sites and services of their competitors. I don't see in the phone and cable companies the kind of wide open competition that is present today on the Internet. And given that lack of competition in the phone and cable industries, I question the commitment to competition of its players and what that means for consumers under the provisions of this bill.

This legislation is supposed to be about creating more competition, giving consumers more choices and lower prices. But without this amendment to ensure that network neutrality remains the fundamental principle governing the Internet, this bill will result in fewer choices and higher prices.

I urge the House to adopt this amendment and ensure the Internet remains a platform for innovation and choice.

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time and ask for a "no" vote on the Markey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. GUTKNECHT

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–491.

Mr. GUTKNECHT. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. GUTKNECHT:

At the end of title III of the bill, add the following new section:

SEC. 302. COMPENSATION AND CONTRIBUTION.

(a) RULE OF CONSTRUCTION.—Nothing in this Act (including the amendments made by this Act) shall be construed to exempt a VOIP service provider from requirements imposed by the Federal Communications Commission or a State commission on all VOIP service providers to—

(1) pay appropriate compensation for the transmission of a VOIP service over the facilities and equipment of another provider; or

(2) contribute on an equitable and non-discriminatory basis to the preservation and advancement of universal service.

(b) DEFINITIONS.—As used in this section—

(1) the terms ''VOIP service provider'' and ''VOIP service'' have the meanings given such terms in section 716(h) of the Communications Act of 1934, as added by section 301 of this Act; and

(2) the term ''State commission'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Minnesota (Mr. GUTKNECHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise on behalf of the Bipartisan Congressional Rural Caucus. The amendment we offer tonight is real simple: It preserves the right of the FCC to require VoIP providers to contribute to the universal service fund and pay appropriate intercarrier compensation fees.

Today, VoIP providers do not contribute to the USF, which is the mechanism that helps build and maintain the communications network that we all rely on, especially in rural America. All other voice providers contribute. Regardless of where you live, we all depend on a vibrant, strong communications network.

So why are we doing this on this bill? Title 3 of the COPE Act is a VoIP title. The language grants VoIP providers all the benefits of being telecommunications carriers, such as the right to interconnect with networks and access to right-of-way. It also gives VoIP providers some of the same responsibilities, such as providing the E–911 service, complying with regulations for the disabled, number portability, et cetera. However, H.R. 5252 does not classify VoIP providers as telecommunications carriers, and therefore they do not have all the same social responsibilities such as USF contributions and intercarrier payments. Our amendment would not mandate that VoIP providers contribute to USF or pay intercarrier compensation fees, nor would it require the FCC to force them to do these things; it merely preserves the FCC's authority to do so. We need to assure the FCC that it is not congressional intent to exempt VoIP providers from the duties required under other communications networks.

Mr. Chairman, I urge passage of this amendment and the underlying bill.

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

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Gutknecht amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I am not going to object strenuously to this amendment. I do want to make a couple of points. I think the universal service fund needs, at a minimum, to be significantly reformed. I do not think, as we hopefully deploy more technologies and more innovative ways of using those technologies, that we should saddle these new emerging technologies with attacks that, while well-intentioned, was originated in the 1920s and is in need of serious reform. So I do oppose the amendment, respectfully, but I understand those that support it, and am very respectful of the gentleman who offered it, because he has worked with us diligently on it.

I would like to enter into a colloquy with the gentlewoman from Tennessee at this point in time.

Mrs. BLACKBURN. Mr. Chairman, I rise to engage Chairman BARTON in a colloquy.

I would like to pose a question concerning the interplay of the National franchise and the anti-redlining provisions of the bill, particularly as they apply to some of the rural telephone companies that are interested in providing the video competition afforded under the bill.

The committee report language concerning redlining that appears on page 23 provides, and I quote, ''A national franchisee is in violation of the provision if it is offering service to parts of a franchised area identified in its certificate but not to another part of the franchised area because of the income of the area.''

Pursuant to that language, Mr. Chairman, would a telephone company that is not providing video service to a part of a franchise area be in compliance with the Act if the reason for not providing video service is that the provider lacks the facilities to make service available in the area? In other words, if the existing footprint of the phone company does not encompass that portion of the cable franchised area, then the provider's decision is not a case of redlining, because the lack of service is not based on the income of the group but rather the lack the facilities by which to provide the service.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. BARTON of Texas. I wish to acknowledge the important role that you have played in the process of developing this legislation. I also would like to commend you on your support for rural America, and would add that, if this bill becomes law, small rural telephone companies are going to benefit and enter the video business in communities like your community in your congressional district of McMinnville, Tennessee.

In response to the specific inquiry, you are correct, under the legislation if the telephone company identifies a portion of a cable franchise area that it intends to serve with video, there is no build-out obligation nor would there be a redlining violation as long as the telephone company did not refuse to serve a group of potential residential subscribers in that area because of the income of that group.

Mrs. BLACKBURN. I thank Chairman BARTON for his answer, which is important to hundreds of small phone companies. I congratulate you on the bill and look forward to its enactment into law.

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

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to my cochair of the Telecommunications Task Force of the Rural Caucus, Mr. STUPAK of Michigan.

Mr. STUPAK. Mr. Chairman, I rise to offer this amendment on behalf of the Congressional Rural Caucus with my friend, Mr. GUTKNECHT from Minnesota. This amendment makes a good bill better. Our amendment is not controversial, it simply is a savings clause. It preserves the ability of the FCC to extend universal service fund and intercarrier compensation obligation to Voice over Internet Protocol or VoIP providers.

The problem is that the underlying bill extends many new rights to VoIP providers, but extends only some of the responsibility. This leaves out the responsibility to contribute to the universal service system and pay appropriate compensation for use of the network.

These two funding mechanisms have ensured that we enjoy the ubiquitous phone coverage we have today, and USF funds provide affordable broadband access for low income schools, libraries, and rural health facilities.

During our hearings, Jeffrey Citron of the Vonage Holdings Company stated, and I quote: ''As a businessman, I don't get nor do I expect a free ride on anyone's network.'' Kyle McSlarrow, president and CEO of the National Cable and Telephone Association stated, ''The cable industry strongly supports the goals and purposes of universal service fund. Thus, cable operators that offer VoIP services already pay millions of dollars into the current system, and we support making that obligation to everyone.''

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to our colleague from Nebraska (Mr. OSBORNE).

□ 2045

Mr. OSBORNE. Mr. Chairman, people in my district, which is largely rural, want and need broadband services just as much as people in urban areas; yet according to a recent report, almost half of rural Nebraska communities only have one broadband Internet provider and some have none.

Without the help of the Universal Service Fund, the average Nebraskan living in a rural area would pay an additional $235 each year for telecommunications services, and this is true across the country in rural areas.

The Gutknecht-Stupak amendment would preserve FCC authority to require VoIP providers to contribute to the Universal Service Fund and pay appropriate fees, just like every other service provider. This commonsense amendment is the result of numerous hearings, briefings and meetings hosted by the Rural Caucus over the last year and a half.

Mr. Chairman, I appreciate their leadership and efforts on this issue. I urge my colleagues to support this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. BOYD), a very active member of the Rural Caucus.

Mr. BOYD. Mr. Chairman, I thank Mr. GUTKNECHT and Mr. STUPAK for their work on behalf of this amendment. I want to tell you that the Universal Service Fund is designed to ensure telecommunications services to all Americans, no matter where they live, what kind of rural area.

This amendment preserves the authority for the FCC to require the VoIP providers to pay into the USF. I strongly support and encourage the adoption of the amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I want to thank the sponsors of this amendment for bringing this forward today, because it is relevant. I agree with the chairman of our committee that the universal service is built on a 1920s or 1930s model, and it is outdated and in need of reform.

I also believe that universal service is as relevant today as it was back then, and maybe even more so. In modernizing universal service so that all people in America can enjoy the services of telephony and its advanced services, broadband, we need to fix universal service.

And one of the areas that we need to fix is that as different technology or VoIP emerges, then companies use this digital process to avoid paying into the universal service, therefore strangling it. This is just one piece of the universal service puzzle. I support these efforts to fix this little piece today and also look forward to working on the total reform of universal service and modernizing it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 6 by Mr. SMITH of Texas.

Amendment No. 7 by Mr. MARKEY of Massachusetts.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SMITH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 68, not voting 11, as follows:

[Roll No. 238]

AYES—353

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—68

Andrews
Blumenauer
Capps
Capuano
Conyers
Davis (IL)
DeGette
Dingell
Doyle
Emanuel
Eshoo
Farr
Filner
Frank (MA)
Grijalva
Harman
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jefferson
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Lantos
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Markey
Matsui
McDermott
McGovern
McKinney
McNulty
Millender-McDonald
Miller, George
Moore (WI)
Neal (MA)
Olver
Owens
Payne
Pelosi
Rangel
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Schakowsky
Scott (VA)
Sensenbrenner
Serrano
Slaughter
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Velázquez
Wasserman Schultz
Watson
Wexler
Woolsey
Wu

NOT VOTING—11

Bono
Davis (FL)
DeLay
Evans
Gibbons
Kingston
Manzullo
McHugh
Nussle
Peterson (PA)
Reyes

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that two minutes remain in this vote.

□ 2114

Ms. LINDA T. SÁNCHEZ of California changed her vote from ''aye'' to ''no.''

Messrs. LYNCH, GILCHREST, LANGEVIN, GUTIERREZ, HASTINGS of Florida, CLEAVER, CARDIN, BUTTERFIELD, HOYER, MEEHAN, SABO, LEWIS of Georgia and Mrs. MALONEY and Mrs. WILSON of New Mexico changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2115

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 269, not voting 11, as follows:

[Roll No. 239]

AYES—152

Abercrombie
Allen
Andrews
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boucher
Brown (OH)
Burton (IN)
Capps
Capuano
Cardin
Carson
Case
Chandler
Conyers
Cooper
Costello
Davis (CA)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Farr
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gordon
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Regula
Reichert
Ross
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Wu

NOES—269

Ackerman
Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Bono
Davis (FL)
DeLay
Evans
Gibbons
Kingston
Manzullo
McHugh
Nussle
Peterson (PA)
Reyes

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2122

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ADERHOLT) having assumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5252) to promote the deployment of broadband networks and services, pursuant to House Resolution 850, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. SOLIS

Ms. SOLIS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SOLIS. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Solis moves to recommit H.R. 5252 to the Committee Energy and Commerce with instructions to report the same forthwith to the House with the following amendments:

Page 13, after line 20, insert the following:

''(6) PUBLIC BENEFITS FOR USE OF PUBLIC RIGHTS-OF-WAY.—A cable operator authorized under this section to provide cable service in a local franchise area is authorized pursuant to subsection (f)(1) to use public rights-of-way in the area if the operator complies with subsection (f)(3).''.

Page 20, after line 7, insert the following:

''(3) SERVICE AREA REQUIREMENTS.—

''(A) CABLE OPERATOR ELECTS FRANCHISE AREAS TO SERVE.—A cable operator that obtains a national franchise shall not be required under this section to offer cable service in any franchise area.

''(B) NO SERVICE AREA REQUIREMENT FOR 5 YEARS.—A cable operator that obtains a national franchise shall not be required under this subsection to offer service in any portion of a franchise area for 5 years after the effective date of the operator's national franchise under this section.

''(C) MARKET-BASED INCREMENTAL EXPANSION.—Beginning on the date that is 5 years after the effective date of a cable operator's national franchise under this section for a franchise area and every 3 years thereafter, if in the portion of the franchise area where the cable operator is offering cable service to at least 15 percent of the households subscribe to such service, the franchising authority in the franchise area may require the cable operator to increase by 20 percent the households in the franchise area to which the cable operator offers cable service by the beginning of the next 3-year interval, until the cable operator is capable of providing cable service to all households in the franchise area.

''(D) HIGH-COST, RURAL AREAS.—The Commission may—

''(i) limit the application of the provisions of this subsection to a cable operator if the operator demonstrates that compliance with such provisions will result in financial distress to the cable operator;

''(ii) permit a cable operator to offer cable service using alternative technologies to rural or high-cost areas within the franchise area if the service offered is comparable in rates, features, functionalities, and programming to the cable service offered by the cable operator in other parts of the franchise area; and

''(iii) grant exemptions—

''(I) to avoid requiring a cable operator that is an incumbent local exchange carrier (as such term is defined in section 251(h)) on the date of enactment of this section from offering cable service in areas that are outside the area in which the operator provides local exchange service;

''(II) to avoid requiring the extension of service to portions of the franchise area that are sparsely populated and geographically remote from the areas within which the cable operator is offering cable service; and

''(III) to any cable operator that the Commission determines is a small cable operator.

Page 23, beginning on line 23, strike subsection (h) and insert the following:

''(h) ANTIDISCRIMINATION.—

''(1) PROHIBITION.—A cable operator with a national franchise under this section shall not deny or offer inferior access to its cable service to any group of potential or current residential cable service subscribers in a manner that has the purpose or effect of discriminating against that group on the basis of income or in a manner contrary to the first purpose set forth in section 1 of this Act.

''(2) ENFORCEMENT.—

''(A) COMPLAINT.—On request of an affected potential residential subscriber, if a franchising authority in a franchise area has reasonable cause to believe that a cable operator is in violation of this subsection with respect to such franchise area, the franchising authority may initiate a proceeding to enforce the requirements of paragraph (1) within its jurisdiction.

''(B) NOTICE BY FRANCHISING AUTHORITY.—To initiate a proceeding under subparagraph (A), a franchising authority—

''(i) shall give notice of each alleged violation to the cable operator;

''(ii) shall provide a period of not less than 30 days after such notice for the cable operator to respond to each such allegation; and

''(iii) during such period, may require the cable operator to submit a written response stating the reasons why the operator has not violated this subsection.

''(C) DECISION.—Within 180 days after a franchising authority initiates a proceeding by providing the first notice for such proceeding under subparagraph (B)(i), the franchising authority shall issue a written final decision setting forth its findings and the reasons for its decision.

''(D) APPEAL TO THE COMMISSION.—A final decision issued by a franchising authority under subparagraph (C) may be appealed to the Commission within 30 days after the date of issuance.

''(E) MOTION TO ENFORCE.—If a final decision issued by a franchising authority under subparagraph (C) is not appealed to the Commission within 30 days after the date of issuance, the franchising authority may, within 180 days after the date of issuance, file a motion to enforce its decision with the Commission. Upon the filing of such a motion and after notice to the cable operator, the Commission shall impose remedies on the cable operator pursuant to subparagraphs (I) and (J).

''(F) NOTICE BY COMMISSION.—Upon receipt of an appeal under subparagraph (D), the Commission shall give notice of the appeal to the complainant and the franchising authority that initiated the proceeding under subparagraph (A).

''(G) INVESTIGATION.—In a proceeding under subparagraph (A), the franchising authority may require a cable operator to disclose to the authority such information and documents as necessary to determine whether the cable operator is in compliance with this subsection. In investigating an appeal under this paragraph, the Commission may require a cable operator to disclose to the Commission such information and documents as necessary to determine whether the cable operator is in compliance with this subsection and shall allow the franchising authority that initiated the proceeding under subparagraph (A) to review and comment on such information and documents. The Commission and the franchising authority shall maintain the confidentiality of any proprietary information or document collected under this subparagraph.

''(H) DEADLINE FOR RESOLUTION OF APPEAL.—Not more than 120 days after the Commission receives an appeal under this paragraph, the Commission shall issue a determination with respect to each violation alleged in the decision of the franchising authority.

''(I) DETERMINATION.—In response to a motion to enforce a franchising authority's decision that a cable operator has violated paragraph (1) with respect to a group, or if the Commission determines in response to an appeal that a cable operator has violated paragraph (1) with respect to a group, the Commission shall ensure that the cable operator extends access to that group.

''(J) REMEDIES.—

''(i) IN GENERAL.—This subsection shall be enforced by the Commission under titles IV and V.

''(ii) MAXIMUM FORFEITURE PENALTY.—For purposes of section 503, the maximum forfeiture penalty applicable to a violation of this subsection shall be $500,000 for each day of the violation.

''(iii) PAYMENT OF PENALTIES TO FRANCHISING AUTHORITY.—The Commission shall order any cable operator subject to a forfeiture penalty under this subsection to pay the penalty directly to the franchising authority involved.

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California is recognized for 5 minutes in support of her motion.

Ms. SOLIS. Mr. Speaker, this bill has good intentions. We all support more cable competition. Greater competition will inevitably help to create jobs and lower consumer costs for all of us, but I urge caution if competition for the attractive parts of the towns come literally at the expense of everywhere else.

What I am trying to say here is that when we talk about competition, and that is a word that is used very loosely, when we talk about competition, oftentimes we forget about what literally happens to the small towns, to the rural areas and to the low-income, underserved areas. That is what we are talking about tonight.

As the world's leading economy, the U.S. must ensure the universal deployment of broadband networks. That means every community is not left behind. Just like the President says leave no child behind, leave no community like mine behind.

Unfortunately, redlining, if you understand the terminology, the practice of companies cherry-picking which communities they will serve, continues, and in my opinion is a threat to our country and to our Nation because you should not be allowed to come into areas where you know you are going to make a profit and exclude those other areas that are in need of having support and sufficient infrastructure support.

We have not done this, in my opinion, in H.R. 5252 which contains a provision that says that they will prevent redlining. It is weak and may prove ineffective, in my opinion.

Over 30 civil rights organizations and consumer groups agree with this assessment. Our mayors, our cities, even in my hometown in Los Angeles the mayor, Antonio Villaraigosa, has come out and said this is not the right thing to do.

We are giving away so much that we should further discuss and debate this issue more thoroughly, and that has not been given to us.

Our communities have felt the sting of being jumped over and left out when it comes to enhanced telecom and other services.

□ 2130

This motion to recommit gives us one opportunity to ensure that broadband is deployed to every single community, whether it is rural, low-income, or an underserved minority community.

The motion to recommit is simple. It establishes a phased-in, market-based buildout of services so that eventually cable operators become capable of serving all households in a franchise area.

What I am talking about is that we know of instances in the State of Michigan, where our ranking member, Mr. DINGELL, has a community, Inkster, which was excluded from buildout. They purposely went out around his area in Michigan and served the outer surrounding community. That community had a higher income. But when they looked at the little portion, the donut hole, they were low income and minority. That is what happened. There was no services provided there.

My motion, Members, is simple. It establishes a phased-in, market-based buildout service so that eventually cable operators become capable of serving all households. That is what this bill should be doing and it doesn't. It extends the prohibition on discrimination based on income to include discrimination based on race, color, religion, and national origin. It also prohibits a cable operator from offering unequal service, upgrades, and repairs to any group of potential or current consumers.

The motion, in my opinion, addresses numerous flaws in the bill that were outlined today by Ranking Member DINGELL, Mr. MARKEY, and others today. It will correct the bill to ensure more competitive broadband alternatives in every neighborhood so all citizens can reap these benefits. I think that is what we are elected to do, to provide coverage for all our consumers.

As the world's leading economy, the U.S. must ensure that universal deployment of competitive broadband networks, whether they live in east Los Angeles or the San Gabriel Valley or the Bronx, every American, every American should have the benefit of the latest digital and video technologies. Instead, the COPE Act, or the Cop-Out Act, in my opinion, I call it, repeals or weakens the bipartisan and time-honored laws that have helped to ensure that those who provide video services do not discriminate among neighborhoods based on income, race, geography or other factors.

I would like to conclude by urging my colleagues to support the motion to recommit.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to this motion for two principal reasons: The anti-redlining provisions of the motion are unnecessary because the underlying bill has language that has been carefully crafted with the leadership of such distinguished members of the full committee as Mr. RUSH, Mr. WYNN, Mr. TOWNS, Mr. GONZALEZ, and others. We worked on it for a number of months. We have perfected it, we have changed it, and so I think the bill more than adequately addresses that part of the motion to recommit.

On the second part of the motion to recommit, which deals with the concept called buildout, under existing law when you only have one franchise, only have one franchise, I think it is acceptable public policy to require there be a buildout provision because you have a monopoly. But the premise of this bill is to go from a monopoly situation to a market situation where you could have as many as four or five competitors in the same market. If that is the case, what Adam Smith, in that great book called The Wealth of Nations, called the hidden hand of the market is going to more than adequately take the place of a monopolistic model buildout requirement.

If you are a new entrant into the market and you have a national franchise and you go into Chicago or New York or Los Angeles, or a small community, like Ennis, Texas, or Arlington, Texas, you are not going to want to just serve a little bit, you are going to want to get market penetration. You are going to want to take away customers from an existing cable provider, so you are going to want to reach out to as many people as is possible and there is not going to be a need for a buildout provision.

I would also point out that these new entrants are going to be, in most cases, telephone companies that already have close to 100 percent of market penetration through their phone lines, or wireless providers that are coming into the market with their towers that, again, will have wide penetration. So there is really not a need for a buildout provision.

So I urge a ''no'' vote on the motion to recommit.

To close out debate, I am going to yield the balance of my time to my distinguished sponsor, colleague of the full committee, the distinguished gentleman from Chicago (Mr. RUSH).

Mr. RUSH. I want to thank the gentleman for yielding.

Mr. Speaker, I have heard it all. I have heard every argument against the bill, and I have heard all in this motion to recommit. But I must rise to oppose this motion to recommit. And I don't do it lightly, but I must do it.

I must do it because, Mr. Speaker, what I have heard from the opponents of this bill is so confusing, it is creating a confused state in this Chamber. But I would ask all of my colleagues to not get confused about this bill. This is a good bill. This is a great bill. This bill will do a lot and go a long way to making sure that the cost of cable television throughout America, particularly in underserved areas, that we will have competition and the cost of cable will be reduced.

Mr. Speaker, the opponents of this particular resolution, they are trying to confuse us. They are trying to confuse us. They want us to eat the wrapper and throw the candy bar away. They want us to walk outside when it is bright and the sun is shining with our umbrella over our head, and when there is mist from the rain and the storm, we will walk out with nothing covering our heads. They are trying to confuse us.

Mr. Speaker, I know that this bill will drive the cost of cable down for my community in my district and districts like mine across the country. More than that, this bill, Mr. Speaker, will allow for diversity and ownership diversity in programming. This bill will allow minorities to get into the cable industry and into the telecommunication industry.

I urge my colleagues, don't fall for the confusion. Be clear. Vote against this motion to recommit.

Ms. WATSON. Mr. Speaker, I rise today in support of the Motion to Recommit that I am offering, together with Ms. SOLIS, on H.R. 5252, the COPE Act of 2006. This motion will send this bill back to the Energy & Commerce committee to fix two of the most glaring weaknesses of this bill—the lack build-out provisions necessary to make sure all neighborhoods and communities get service—and the lack of strong anti-discrimination language necessary to prevent redlining.

Our motion will instruct the committee to include language, first to prohibit discrimination based on basis of the race, color, religion, national origin, sex, or income—the same common sense non-discrimination language that has formed the basis of so much legislation here in Congress—and second, to include so-called ''build-out'' provisions, which require the companies building large broadband networks to make sure that they are expanding their networks on a fair basis to all communities.

The COPE Act—as currently written—allows service providers to cozy-up to some neighborhoods while snubbing others. Without build-out provisions that require service providers to reach all households, many Americans will lack quality service—or be deprived of service entirely—simply because they live in the wrong neighborhood. This means that, under the COPE Act, consumers won't choose their Internet provider—Internet providers will choose their customers.

Furthermore, the COPE Act excludes the anti-discrimination language necessary to ensure equal treatment to all people, no matter what their race, ethnicity or economic situation. Americans will have no legal recourse if they receive inferior or no access to vital telecom services. This anti-discrimination language is necessary to protects all Americans from redlining, particularly those who have historically been denied access to services others take for granted.

In short, the COPE Act as written will leave many people behind as we enter a new technological age. It permits and even encourages redlining by failing to require that telecom companies serve all Americans without discrimination. In the words of Doctor Faye Williams, Chair of the National Congress of Black Women, ''Had [this] kind of thinking prevailed during the civil rights movement—the 'don't outlaw discrimination because the situation will take care of itself' claim—we may have never had a Civil Rights Act or Voting Rights Act.''

Mr. Speaker, ladies and gentlemen, my dear colleagues—we can fix this bill. I urge you to vote for the Solis/Watson Motion to recommit, so we can send this bill back to committee, fix

these glaring weaknesses, and give Americans a telecom bill that brings the entire country—not just certain neighborhoods and people—in the broadband age.

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

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 165, nays 256, not voting 11, as follows:

[Roll No. 240]

YEAS—165

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

NAYS—256

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

NOT VOTING—11

Bono
Davis (FL)
DeLay
Evans
Gibbons
Kingston
Manzullo
McHugh
Nussle
Peterson (PA)
Reyes

□ 2156

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 101, not voting 11, as follows:

[Roll No. 241]

YEAS—321

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad

Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—101

Abercrombie
Allen
Baird
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Case
Cleaver
Conyers
Costello
Davis (CA)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Doyle
Emanuel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Goode
Grijalva
Hinchey
Hoekstra
Holden
Holt
Honda
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McKinney
McNulty
Meehan
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (WI)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Tancredo
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Velázquez
Waters
Watson
Waxman
Weiner
Wilson (NM)
Woolsey
Wu

NOT VOTING—11

Bono
Davis (FL)
DeLay
Evans
Gibbons
Kingston
Manzullo
McHugh
Nussle
Peterson (PA)
Reyes

□ 2205

Mr. CLEAVER changed his vote from ''yea'' to ''nay.''

Mr. MORAN of Virginia changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. LEWIS of California submitted the following conference report and statement on the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–494)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4939), ''making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $350,000,000, to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be used to support the previously approved fiscal year 2006 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $6,587,473,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,321,474,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $840,872,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,155,713,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $140,570,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $110,712,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $10,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $1,940,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $111,550,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $1,200,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,744,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,696,693,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,639,911,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,576,257,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,830,677,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $5,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

(3) not to exceed $740,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(4) up to $75,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account:

Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $100,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $78,509,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $87,875,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $18,563,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $178,600,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $30,400,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For an additional amount for ''Former Soviet Union Threat Reduction Account'', $44,500,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,908,133,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $3,007,000,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $1,958,089,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working

capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $345,000,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $203,300,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,767,451,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $829,679,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $5,819,645,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $516,869,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $55,200,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $323,256,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $54,640,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,577,467,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $674,815,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $29,047,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,591,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $331,353,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $54,700,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $124,845,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $382,630,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $148,551,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $516,700,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,153,562,000 for operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $150,470,000, to remain available until expended: Provided, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: Provided further, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $5,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for the ''Intelligence Community Management Account'', $158,875,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

(TRANSFER OF FUNDS)

SEC. 1202. Section 8005 of the Department of Defense Appropriations Act, 2006, (Public Law 109–148; 119 Stat. 2680), is amended by striking ''$3,750,000,000'' and inserting ''$5,000,000,000'': Provided, That funds previously transferred among appropriations under the authority of section 8005 of Public Law 109–148 pursuant to reprogramming action 06–13PA may be restored to their source appropriations accounts: Provided further, That transfers made pursuant to reprogramming action 06–13PA and transfers back under this section shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(TRANSFER OF FUNDS)

SEC. 1203. During fiscal year 2006 and from funds in the Defense Cooperation Account, the Secretary of Defense may transfer not to exceed $5,800,000 to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1204. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2006 (Public Law 109–163) is amended by striking ''$289,447,000'' and inserting ''$345,547,000''.

SEC. 1205. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $22,200,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Law 106–398 and Public Law 108–136), and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

SEC. 1206. Notwithstanding 10 U.S.C. 2208(l), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed $1,200,000,000: Provided, That the amounts made available pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1207. In addition to amounts authorized in section 1202(a) of Public Law 109–163, from funds made available in this chapter to the Department of Defense, not to exceed $423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

SEC. 1208. Supervision and administration costs associated with a construction project funded with ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' appropriations may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1209. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1210. Effective as of January 6, 2006, and as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), subsection (d)(2) of section 1478 of title 10, United States Code, as added by section 664(b) of such Act (119 Stat. 3316), is amended by striking ''May 11, 2005'' and inserting ''August 31, 2005''.

(RESCISSIONS)

SEC. 1211. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Missile Procurement, Air Force, 2006/2008'', $80,000,000;

''Other Procurement, Air Force, 2005/2007'', $39,400,000.

SEC. 1212. (a) SENSE OF CONGRESS.—Congress recognizes the importance of ensuring that absent uniformed services voters, Department of Defense personnel, and their dependents have the opportunity to exercise their right to vote.

(b) IVAS BALLOT REQUEST PROGRAM.—

(1) The Interim Voting Assistance System (IVAS) Ballot Request Program shall be continued with respect to all absent uniformed services voters, Department of Defense personnel, and dependents covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) with the objective to further improve ballot request procedures and voting assistance with respect to such persons.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the program referred to in paragraph (1), including an accounting of the utilization of funds available for the program under subsection (c).

(c) FUNDING.—Of the amounts provided by this chapter, $2,500,000 shall be available for the program referred to in subsection (b).

SEC. 1213. (a) FINDINGS.—The Senate makes the following findings:

(1) Title IX of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109–148) appropriated $50,000,000,000 for the cost of ongoing military operations overseas in fiscal year 2006, although those funds were not requested by the President.

(2) The President on February 16, 2006, submitted to Congress a request for supplemental appropriations in the amount of $67,600,000,000 for ongoing military operations in fiscal year 2006, none of which supplemental appropriations was included in the concurrent resolution on the budget for fiscal year 2006, as agreed to in the Senate on April 28, 2005.

(3) The President on February 6, 2006, included a $50,000,000,000 allowance for ongoing military operations in fiscal year 2007, but did not formally request the funds or provide any detail on how the allowance may be used.

(4) The concurrent resolution on the budget for fiscal year 2007, as agreed to in the Senate on March 16, 2007, anticipates as much as $86,300,000,000 in emergency spending in fiscal year 2007, indicating that the Senate expects to take up another supplemental appropriations bill to fund ongoing military operations during fiscal year 2007.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2007 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) any request for funds for such a fiscal year for ongoing military operations should provide an estimate of all funds required in that fiscal year for such operations;

(3) any request for funds for ongoing military operations should include a detailed justification of the anticipated use of such funds for such operations; and

(4) any funds provided for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for ''Child Survival and Health Programs Fund'', $7,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $16,500,000, to remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, $6,000,000 shall be made available for assistance for Guatemala for relief and reconstruction activities related to Hurricane Stan: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''International Disaster and Famine Assistance'', $161,300,000, to remain available until expended, of which up to $80,000 may be transferred to and merged with ''Operating Expenses of the United States Agency for International Development'', for associated administrative costs: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $101,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,686,000,000, to remain available until September 30, 2007, of which up to $11,000,000 may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Afghanistan or otherwise of reducing any amounts owed to the United States or any agency of the United States by Afghanistan: Provided, That such amounts for the costs of modifying direct loans and guarantees shall not be considered ''assistance'' for the purposes of any provision of law limiting assistance to a country: Provided further, That the last proviso under the heading ''Economic Support Fund'' in title II of Public Law 109–102 and comparable provisions in prior Acts making appropriations for foreign operations, export financing, and related programs shall no longer be applicable to funds appropriated under such heading in this Act or any prior Act: Provided further, That of the funds available under this heading for assistance for Afghanistan, $5,000,000 shall be made available for agriculture and rural development programs in Afghanistan to be administered through a national consortium of agriculture colleges and land-grant universities: Provided further, That of the funds available under this heading for assistance for Iraq, not less than $50,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than $5,000,000 shall be transferred to and merged with funds appropriated under the heading ''Iraq Relief and Reconstruction Fund'' in chapter 2 of title II of Public Law 108–106 and shall be made available for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That of the funds made available under this heading for assistance for Iraq, not less than $50,000,000 shall be made available for programs and activities to promote democracy, the rule of law and reconciliation: Provided further, That funds appropriated under this heading that are made available for police and judicial reform in Haiti shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $22,500,000, of which $20,000,000 shall be made available for programs and activities promoting democracy in Iran and of which $2,500,000 shall be made available for assistance for the Democratic Republic of the Congo, to remain available until September 30, 2007: Provided, That funds appropriated under this heading shall be made available notwithstanding any other provision of law, and those funds made available to promote democracy in Iran shall be administered by the Middle East Partnership Initiative, in consultation with the Bureau of Democracy, Human Rights, and Labor of the Department of State: Provided further, That funds made available under this heading in this Act shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''International Narcotics Control and Law Enforcement'', $107,700,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $3,300,000 shall be made available for assistance for the Peace and Justice Unit of the Colombian Fiscalia notwithstanding section 599E of Public Law 109–102: Provided further, That of the funds appropriated under this heading, up to $13,000,000 is available for procurement of a maritime patrol aircraft for the Colombian Navy and may be transferred to and merged with funds previously appropriated to the ''Foreign Military Financing Program'' to finance such procurement: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $75,700,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'', $13,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $178,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and section 10 of Public Law 91–672 (22 U.S.C. 2412).

SEC. 1302. (a) Notwithstanding any other provision of law, amounts under the heading ''Iraq Relief and Reconstruction Fund'' in title II of Public Law 108–106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: Provided, That notwithstanding section 2207(d) of Public Law 108–106, requirements of section 2207 of Public Law 108–106 shall expire on October 1, 2008.

(b) Chapter 2 of title II of Public Law 108–106 (117 Stat. 1225–1226), as amended by Public Law 108–309 (118 Stat. 1142–1143), is further amended under the heading ''Iraq Relief and Reconstruction Fund'' by—

(1) striking ''$5,090,000,000'' and inserting ''$5,036,000,000'' for security and law enforcement;

(2) striking ''$1,960,000,000'' and inserting ''$2,349,800,000'' for justice, public safety infrastructure, and civil society;

(3) striking ''$4,455,000,000'' and inserting ''$4,220,000,000'' for the electric sector;

(4) striking ''$1,723,000,000'' and inserting ''$1,735,600,000'' for oil infrastructure;

(5) striking ''$2,361,000,000'' and inserting ''$2,131,100,000'' for water resources and sanitation;

(6) striking ''$500,000,000'' and inserting ''$465,500,000'' for transportation and telecommunications;

(7) striking ''$370,000,000'' and inserting ''$333,700,000'' for roads, bridges, and construction;

(8) striking ''$793,000,000'' and inserting ''$739,000,000'' for health care;

(9) striking ''$845,000,000'' and inserting ''$805,300,000'' for private sector development; and

(10) striking ''$342,000,000'' and inserting ''$410,000,000'' for education, refugees, human rights, and governance.

SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading ''Peacekeeping Operations'' in chapter 2 of title II of division A of Public Law 109–13, $7,000,000 is rescinded.

SEC. 1304. (a) Section 550 of Public Law 109–102 (119 Stat. 2217) is amended to read as follows:

''PROHIBITION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

''SEC. 550. (a) PROHIBITION ON ASSISTANCE.—None of the funds appropriated by this Act or any prior Act making appropriations for foreign operations, export financing, and related programs, may be obligated or expended for assistance for the Palestinian Authority unless the Secretary of State determines, and so reports to the Committees on Appropriations, that the Palestinian Authority has complied with the standards contained in the Quartet's January 30, 2006 Statement on the Situation in the Middle East that ''a future Palestinian government must be committed to nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap''.

''(b) WAIVER AUTHORITY.—

''(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority, for activities of the President of the Palestinian Authority to promote democracy, peaceful resolution of the Israeli-Palestinian conflict, and the rule of law, and with respect to independent agencies, if the President certifies and reports to the Committees on Appropriations that—

''(A) it is in the national security interest of the United States to provide such assistance;

''(B) as the case may be, the President of the Palestinian Authority, the President's party, and independent agencies and any members thereof, are not members of, appointed by, or effectively controlled by Hamas or any other foreign terrorist organization; and

''(C) assistance provided under the authority of this subsection will not be transferred or retransferred to any member of Hamas or other foreign terrorist organization or to any entity effectively controlled by Hamas or other foreign terrorist organization.

''(2) Not less than 15 days prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations of the House of Representatives and the Senate and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(c) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations describing how the funds will be spent and the accounting procedures in place to ensure proper oversight and accountability.''.

(b) Effective on the date of enactment of this Act, none of the funds appropriated under the heading ''Economic Support Fund'' in Public Law 109–102 (119 Stat. 2217) or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated for assistance for the West Bank and Gaza until the Secretary of State consults with the Committees on Appropriations, submits a revised plan for such assistance to the Committees on Appropriations, and determines and reports to the Committees on Appropriations that appropriate procedures and safeguards exist to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution, that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

SEC. 1305. Of the funds appropriated under the heading ''Subsidy Appropriation'' for the Export-Import Bank of the United States that are available for tied-aid grants in title I of Public Law 107–115 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, $37,000,000 are rescinded.

SEC. 1306. To the extent not otherwise authorized, supervision and administrative costs of the Department of Defense associated with a construction project funded with the Iraq Relief and Reconstruction Fund may be obligated at the time a construction contract is awarded or, for pre-existing contracts, by September 30, 2006: Provided, That for the purposes of this section, supervision and administration costs include all in-house Government costs.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $26,692,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $187,100,000, to remain available until September 30, 2007: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That $50,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $27,700,000, to remain available until September 30, 2007: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $20,600,000, to remain available until September 30, 2007: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $3,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $85,700,000, to remain available until September 30, 2007: Provided, That no funding provided under this heading shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $14,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $1,383,625,000, to remain available until September 30, 2007: Provided, That of the funds available under this heading, not less than $250,000 shall be made available for the establishment and adequate support, including staffing and travel, of the Office of the Presidential Special Envoy for Sudan: Provided further, That of the amount made available under this heading, $1,000,000 shall be available for transfer to the United States Institute of Peace: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $25,300,000, to remain available until September 30, 2007, of which $24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $5,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $129,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for programs and activities promoting democracy in Iran, $10,274,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for ''Broadcasting Capital Improvements'', $25,826,000, to support programming to Iran, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1601. Funds appropriated or made available in this chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947.

SEC. 1602. (a) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

''(g)(1) To facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, the Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis, or grant authority to the head of an Executive agency to waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

''(A) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

''(B) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.

''(2) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (B) of paragraph (1), or to grant authority to the head of an Executive agency to waive the application of such subsections to an annuitant under subparagraphs (A) or (B) of such paragraph, shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

''(3) The Secretary should prescribe procedures for the exercise of any authority under paragraph (1), including criteria for any exercise of authority and procedures for a delegation of authority.''.

(b) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED CIVIL SERVICE ANNUITANTS.—

(1) DEPARTMENT OF STATE.—Title I of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 61. REEMPLOYMENT OF ANNUITANTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

''(a) AUTHORITY.—

''(1) IN GENERAL.—To facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, the Secretary of State may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

''(2) TERMINATION OF AUTHORITY.—The authority of the Secretary under paragraph (1) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

''(b) PROCEDURES.—The Secretary should prescribe procedures for the exercise of any authority under subsection (a), including criteria for any exercise of authority and procedures for a delegation of authority.

''(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.''.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended by adding at the end the following new subsection:

''(j)(1)(A) To facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, the Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

''(B) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

''(2) The Administrator should prescribe procedures for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for a delegation of authority.

''(3) An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code.''.

(c) REPORT ON USE OF ANNUITY LIMITATION WAIVER AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on International Relations, the Committee on Appropriations, and the Committee on Government Reform of the House of Representatives a report on the exercise of the waiver authorities provided under section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)), as amended by subsection (a), section 61 of the State Department Basic Authorities Act of 1956, as added by subsection (b)(1), and section 625(j) of the Foreign Assistance Act of 1961, as added by subsection (b)(2). The report shall include the number and type of positions that have been filled under such waiver authority, and the retirement date, former job title, and new job title of each annuitant reemployed under such authority.

(d) HOME LEAVE PROVISIONS.—

(1) TRAVEL EXPENSES FOR REST AND RECUPERATION TRAVEL.—Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking ''unbroken by home leave'' each place it appears.

(2) AUTHORITY TO REQUIRE LEAVES OF ABSENCE.—Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking ''18 months'' and inserting ''12 months''.

(e) AUTHORITY TO PROVIDE ACCOMMODATION AND SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AFGHANISTAN.—The Secretary of State may provide during any fiscal year, with or without reimbursement, accommodation and subsistence to personnel in Iraq and Afghanistan for whom the Chief of Mission is responsible.

SEC. 1603. (a) IN GENERAL.—During fiscal years 2006, 2007, and 2008, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(c) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE II

FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for ''Working Capital Fund'', $25,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $445,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $20,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for ''Emergency Watershed Protection Program'', $50,955,000, to remain available until expended, for emergency measures in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available under this heading may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $1,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season for State Rural Development offices located in Mississippi and Louisiana: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the cost of community facilities direct loans, loan guarantees, and grants described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $25,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That not to exceed $5,000,000 shall be available for direct and guaranteed loans: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 2101. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109–148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2102. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service may enter into agreements to donate up to 20 used vehicles currently on loan to organizations or State or local units of government affected by Hurricane Katrina and other hurricanes of the 2005 season.

SEC. 2103. The Secretary of Agriculture may continue to use any of the authorities provided in section 105 of chapter 1 of title I of division B of Public Law 109–148 (119 Stat. 2749–2750), for a period not to exceed 18 additional months: Provided, That the authority provided in subsection (a)(7) of such section may allow funds made available under the Community Facility Grant program to be approved without regard to income limits for purposes related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season for structures designated by a State or local governmental entity as an emergency shelter: Provided further, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2104. Of the funds appropriated in section 101(a) of chapter 1 of title I of division B of Public Law 109–148 (119 Stat. 2747), to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $38,000,000 are transferred to the National Oceanic and Atmospheric Administration in the Department of Commerce for activities involving oysters: Provided, That the amount transferred under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2105. Section 101(b) of chapter 1 of title I of division B of Public Law 109–148 (119 Stat. 2747) is amended—

(1) in the heading, by striking '', Oyster,'';

(2) in the matter preceding paragraph (1)—

(A) by striking '', oyster,''; and

(B) by striking ''public and private oyster reefs or'';

(3) in paragraph (3), by adding ''and'' at the end;

(4) by striking paragraph (4); and

(5) by redesignating paragraph (5) as paragraph (4).

SEC. 2106. Funds made available for the wildlife habitat incentive program established under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) under section 211(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) and section 820 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–59) shall remain available until expended to carry out obligations made for fiscal year 2001 and are not available for new obligations.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $10,200,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005

season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Shipbuilding and Conversion, Navy'', $775,236,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for ''General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense'', $10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $326,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 2201. Upon his determination that such action is necessary to ensure the appropriate allocation of funds provided to the Department of Defense in this chapter and in chapter 2, title I of this Act, the Secretary of Defense may transfer up to $150,000,000 between appropriations made available for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and revolving and management funds: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 2202. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 2203. Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available under the heading ''Shipbuilding and Conversion, Navy'' in chapter 2 of title II of this Act, or under said heading in chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B of Public Law 109–148; 119 Stat. 2757), not less than $140,000,000 shall be made available for infrastructure improvements at Gulf Coast shipyards that have existing Navy shipbuilding contracts and that were damaged by Hurricane Katrina in calendar year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, utilizing $3,300,000 of the funds provided herein shall develop a comprehensive plan, at full Federal expense, to deauthorize deep draft navigation on the Mississippi River-Gulf Outlet, Louisiana, extending from the Gulf of Mexico to the Gulf Intracoastal Waterway: Provided further, That, not later than 6 months after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan: Provided further, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final report to be issued in December 2007 for the Louisiana Coastal Protection and Restoration Plan: Provided further, the Secretary shall provide to the Congress a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction were constructed and ending on the date on which the report is prepared, the difference between the vertical settlement of the system that is attributable to the settling of levees and floodwalls or subsidence versus the vertical grade deficiencies that are attributable to new storm data that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard project hurricane.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $549,400,000, to remain available until expended, of which up to $20,200,000 may be used to reduce the risk of storm damage to the greater New Orleans metropolitan area, at full Federal expense, by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations; at least $495,300,000 shall be used consistent with the cost-sharing provisions under which the projects were originally constructed to raise levee heights where necessary and otherwise enhance the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That $1,500,000 shall be for the North Padre Island, Texas project: Provided further, That $30,400,000 is available for flood control work in the Sacramento, California, Area: Provided further, That $2,000,000 shall be provided at full Federal expense for the Hawaii Water Systems Technical Assistance Program.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,200,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein for dredging needs along the Texas Gulf Coast.

FLOOD CONTROL AND COASTAL EMERGENCIES

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, $3,145,024,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $530,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $250,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $1,584,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $30,024,000 for repairs, replacements, modifications and improvements of non-Federal levees and associated protection measures in Terrebonne Parish at full Federal expense: Provided further, that $16,000,000 is provided for the restoration of funds for hurricane-damaged projects in the State of Pennsylvania: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Of the funds provided under this heading in chapter 3 of division B of Public Law 109–148, $15,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'', $9,000,000, to remain available until expended for Drought Emergency Assistance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. USE OF UNEXPENDED FUNDS. (a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available to the State of Oklahoma or agencies or authorities therein (referred to in this section as the ''State'') before the date of enactment of this Act for general remediation activities being conducted in the vicinity of the Tar Creek Superfund Site in northeastern Oklahoma and in Ottawa County, Oklahoma, that remain unexpended as of the date of enactment of this Act are authorized to be used by the State to assist individuals and entities in relocation from areas at risk or potential risk of damage caused by land subsidence as determined by the State.

(b) USE OF UNEXPENDED FUNDS.—The use of unexpended funds in accordance with subsection (a)—

(1) shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(2) may include any general remediation activities described in section (a) determined to be appropriate by the State, including the buyout of 1 or more properties to facilitate a relocation described in subsection (a).

SEC. 2302. (a) The $12,000,000 provided in division B, chapter 3 of title I, Investigations, of Public Law 109–148 (119 Stat. 2761) for the Louisiana hurricane protection study shall be at full Federal expense.

(b) Of the $12,000,000 provided in division B, chapter 3 of title I, Investigations, of Public Law 109–148 (119 Stat. 2761) for the Louisiana hurricane protection study, $5,000,000 shall be available for expenditure prior to the effective date of the enactment of a State law establishing a single State or quasi-State entity to act as local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in the greater New Orleans and southeast Louisiana area.

SEC. 2303. Chapter 3, under division B of title I of Public Law 109–148 (119 Stat. 2762) under

the heading ''Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee'' is modified by inserting the following before the period: '': Provided further, That the Corps is directed to expedite and accelerate completion of any study or any unconstructed portion of the Mississippi River and Tributaries project for the flood and storm damage reduction projects in the south Louisiana area'': Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2304. Chapter 3, under division B of title I of Public Law 109–148 (119 Stat. 2762) under the heading ''Operations and Maintenance'' is modified by inserting the following before the last proviso: '': Provided further, That $75,000,000 of the funds provided herein shall be used for the repair, construction or provision of measures or structures necessary to protect, restore or increase wetlands, to prevent saltwater intrusion or storm surge'': Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2305. Section 227 of Public Law 104–303 is modified as follows:

(1) Section 5(a) is amended by striking ''6'', and inserting ''7'' in lieu thereof.

(2) Section 5(e)(2) is amended by striking ''$21,000,000'', and inserting ''$25,000,000'' in lieu thereof.

SEC. 2306. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010'' in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking ''fiscal years 1992, 1993, 1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003, and 2004'' and inserting ''the period of fiscal years 2006 through 2010'' in lieu thereof.

SEC. 2307. None of the funds made available before, on, or after the date of enactment of this Act in an appropriations Act may be expended to prevent or limit any reprogramming of funds for a project to be carried out by the Corps of Engineers using funds appropriated in any Act making appropriations for energy and water development, based on whether the project was included by the President in the budget transmitted under section 1105(a) of title 31, United States Code, or is otherwise proposed by the President or considered part of the budget by the Office of Management and Budget, if the project received funds in an Act making appropriations for energy and water development or any other appropriations Act making additional funds available for energy and water development.

SEC. 2308. None of the funds made available under this or any other Act shall be used during fiscal year 2006 or previous to April 1, 2007, to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the ''Administrator'') or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on February 6, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

SEC. 2309. Section 1202 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (110 Stat. 4085, 4091; 16 U.S.C. 4722(i)(3)(C)), is amended by deleting '', to carry out this paragraph, $750,000'', and inserting the following in lieu thereof: ''such sums as are necessary to carry out the dispersal barrier demonstration project directed by this paragraph''.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $12,900,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $4,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operating Expenses'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $88,970,000, to remain available until September 30, 2007, of which up to $267,000 may be transferred to ''Environmental Compliance and Restoration'' to be used for environmental cleanup and restoration of Coast Guard facilities in the Gulf of Mexico region; and of which up to $470,000 may be transferred to ''Research, Development, Test, and Evaluation'' to be used for salvage and repair of research and development equipment and facilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $191,730,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for ''Administrative and Regional Operations'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $71,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for ''Preparedness, Mitigation, Response, and Recovery'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $6,000,000,000, to remain available until expended: Provided, That for States in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: Provided further, That the Secretary of Homeland Security shall submit for approval a proposal and an expenditure plan for housing, including the alternative housing pilot programs under section 2403 of this Act, to the Committees on Appropriations of the Senate and House of Representatives within forty-five days from the date of enactment of this Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for ''Disaster Assistance Direct Loan Program Account'' for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), $279,800,000, to be used to assist local governments affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which $1,000,000 is for administrative expenses to carry out the direct loan program: Provided, That such funds may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $371,733,000: Provided further, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed $5,000,000, and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues due to Hurricane Katrina or Hurricane Rita: Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes of the 2005 season if the State or local

government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006: Provided, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109–90 (119 Stat. 2079) is amended under the heading ''National Flood Insurance Fund'' by striking in the proviso ''$30,000,000'' and inserting ''such sums as necessary''.

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2403. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Individual Assistance Program the costs sufficient for alternative housing pilot programs in the areas hardest hit by Hurricane Katrina and other hurricanes of the 2005 season.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to projects from which funds were transferred for such purposes, $132,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $43,000,000, to remain available until September 30, 2007: Provided, That of the funds provided under this heading, $40,000,000 shall be provided to State Historic Preservation Officers, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana, Mississippi, and Alabama impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: Provided further, That preference shall be given to grants based upon, but not limited to, properties located within National Heritage Areas, owner-occupied houses, and an ability to spend the funds expeditiously: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $55,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Surveys, Investigations, and Research'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $10,200,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Royalty and Offshore Minerals Management'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, $15,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for ''Environmental Programs and Management'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $6,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for the ''Leaking Underground Storage Tank Program'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $7,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for the ''National Forest System'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $20,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'', $16,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, for construction, rehabilitation, and acquisition of Job Corps centers as authorized by the Workforce Investment Act of 1998: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for ''Community Health Centers'', $4,000,000, to remain available until expended, to purchase and operate communications equipment including satellite phones for a communications network among departments of health, community health centers and major medical centers in States affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'', $8,000,000, to remain available until expended, for mosquito and other pest abatement activities in States affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF EDUCATION

HURRICANE EDUCATION RECOVERY

For an additional amount under the heading ''Department of Education'' in Public Law 109–148 for carrying out section 107 of title IV, division B of that Act, $235,000,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount under part B of title VII of the Higher Education Act of 1965 (''HEA'') for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, $50,000,000: Provided, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes: Provided further, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the Corporation for National and Community Service (the ''Corporation'') for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2007: Provided, That the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12611 et seq.): Provided further, That the Corporation may transfer funds from the amount provided under the first proviso to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of Civilian Community Corps participants and after notice is transmitted to Congress: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) In this section:

(1) The term ''affected institution'' means an institution of higher education that is—

(A) a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(B) located in an area affected by a Gulf hurricane disaster; and

(C) able to demonstrate that the institution—

(i) incurred physical damage resulting from the impact of Hurricane Katrina or Rita;

(ii) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, or the Small Business Administration, (as appropriate); and

(iii) has not been able to fully reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricane due to physical damage to the institution.

(2) The terms ''area affected by a Gulf hurricane disaster'' and ''Gulf hurricane disaster'' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).

(b) Notwithstanding any other provision of law (unless enacted with specific reference to this section), the Secretary of Education is authorized to waive or modify, as the Secretary determines is necessary, any statutory or regulatory provision related to historically Black college and university capital financing under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.), in connection with a Gulf hurricane disaster, to ensure that—

(1) the calculation of financing need under section 343 of such Act (20 U.S.C. 1066b) for an affected institution is modified to reflect any changes in the financial condition of the institution as a result of the Gulf hurricane disaster; and

(2) an affected institution that was not receiving assistance under such part before the Gulf hurricane disaster is eligible to apply for capital financing to assist in institutional recovery from the Gulf hurricane disaster.

(c)(1) Notwithstanding section 343(b)(1) or any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1066b(b)(1), 1051 et seq.), in carrying out section 343 of such Act, a designated bonding authority shall withhold not more than 1 percent for the cost of issuance from the proceeds of qualified bonds that are loaned to an affected institution.

(2) Notwithstanding section 343(b)(3) or any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1066b(b)(3), 1051 et seq.), the Secretary shall pay any interest above 1 percent charged for a loan issued under part D of title III of such Act, after the date of enactment of this Act and with respect to an affected institution, such that the affected institution pays interest at a rate no higher than 1 percent.

(3) Notwithstanding any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), the requirements of section 343(b)(8) and 343(c)(2) of such Act (20 U.S.C. 1066(b)(8)) shall not apply with respect to an affected institution receiving a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.).

(d) Notwithstanding any provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), or any regulation promulgated under such title, the Secretary of Education shall grant a deferment, for a period of not more than 3 years, to an affected institution that has received a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.). During the deferment period granted under this subsection, the affected institution shall not be required to pay any periodic installment of principal required under the loan agreement for such loan, and interest on such loan shall not accrue for the period of the deferment. During the deferment period, the Secretary shall make principal and interest payments otherwise due under the loan agreement. At the closing of the loan, terms shall be set under which the affected institution shall be required to repay the Secretary for the payments of principal made by the Secretary during the deferment, on a schedule that begins upon repayment to the lender in full on the loan agreement.

(e)(1) Except as provided in paragraph (2), the authority provided under this section to enter into, or modify or waive the terms of, a loan agreement or insurance agreement under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.), or to grant a loan deferment under subsection (d), shall terminate 1 year after the date of enactment of this Act.

(2) Any provision of a loan agreement or insurance agreement modified or waived by the authority under this section shall remain so modified or waived for the duration of the period covered by the loan agreement or insurance agreement.

(f) The amount provided in this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2602. Notwithstanding sections 107(f) and 110 of title IV (commonly known as the ''Hurricane Education Recovery Act'') of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680), the Secretary of Education may extend the period during which a State educational agency or local educational agency may obligate funds received under section 107 of that title to a date no later than September 30, 2006, except that such funds shall be used only for expenses incurred during the 2005–2006 school year, as required by section 107 of that title.

SEC. 2603. Funds available to the Mississippi Institutes of Higher Learning under the heading ''Department of Education'' in Public Law 109–148 may be used to support activities authorized by part B of title VII of the Higher Education Act of 1965, as determined necessary by the Mississippi Institutes of Higher Learning: Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(TRANSFER OF FUNDS)

SEC. 2604. Of the funds made available under the heading ''Disaster Relief'' under the heading ''Federal Emergency Management Agency'' in chapter 4 of this title, $38,000,000 is hereby transferred to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $44,770,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $97,300,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Army National Guard'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $330,071,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the amount provided under this heading in chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2770), $120,000,000 are rescinded: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for ''Military Construction, Air National Guard'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $5,800,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVY RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Navy Reserve'', for necessary expenses related to the consequences of Hurricane

Katrina and other hurricanes of the 2005 season, $24,270,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under the heading ''Military Construction, Naval Reserve'' in chapter 7 of title I of division B of Public Law 109–148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount $49,530,000 are rescinded: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $585,919,000, to remain available until expended: Provided, That $35,919,000 shall be available for environmental cleanup and removal of debris from the Department of Veterans Affairs land in Gulfport, Mississippi, and for any authorized purpose under this heading: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

ARMED FORCES RETIREMENT HOME

MAJOR CONSTRUCTION

For an additional amount for ''Major Construction'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $176,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, such funds shall be obligated and expended for the planning and design and construction of a new Armed Forces Retirement Home in Gulfport, Mississippi: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. The limitation of Federal contribution established under section 18236(b) of title 10 is hereby waived for projects appropriated in this chapter.

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 2702. (a) Of the amounts made available in chapter 7 of title I of division B of Public Law 109–148, Department of Veterans Affairs, ''Medical Services'', $198,265,000 are hereby rescinded.

(b) For an additional amount for Department of Veterans Affairs, ''Medical Services'', $198,265,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

(c) The funds made available in subsection (b) may be transferred to the Department of Veterans Affairs, ''Medical Services'', ''Medical Administration'', ''Medical Facilities'', ''Construction, Minor Projects'', and ''Information Technology Systems'' accounts as required.

(d) Not less than 15 days prior to making any such transfer as authorized under subsection (c), the Department shall notify the Committees on Appropriations of both Houses of Congress.

(e) This section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2703. Notwithstanding any other provision of law, within six months of enactment of this Act, the Secretary of Veterans Affairs is authorized and directed to clean up and transfer all land parcels of the Department's land in Gulfport, Mississippi, to the city of Gulfport, Mississippi.

(TRANSFER OF FUNDS)

SEC. 2704. The following unobligated balances shall be transferred to the Armed Forces Retirement Home ''Major Construction'' account, to remain available until expended, for the planning and design and construction of a new Armed Forces Retirement Home in Gulfport, Mississippi, from amounts appropriated under the heading ''Armed Forces Retirement Home'' in chapter 7 of division B of Public Law 109–148 (119 Stat. 2769), $45,000,000 provided for Armed Forces Retirement Home—Gulfport; and unobligated balances of funds provided in fiscal years 1998 through 2004 for construction and renovation of the physical plants at the United States Naval Home/Armed Forces Retirement Home—Gulfport: Provided, That the General Services Administration, in consultation with the Naval Facilities Engineering Command and the management of the Armed Forces Retirement Home, shall be the agent for all matters with regard to the planning, design, construction, and contract administration related to the construction of the new Armed Forces Retirement Home in Gulfport, Mississippi: Provided further, That the amounts provided or otherwise made available under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $6,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $118,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $32,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for ''Exploration Capabilities'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $35,000,000 shall be for the Stennis Space Center and Michoud Assembly Facility, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Disaster Loans Program Account'' for the cost of direct loans authorized by section 7(b) of the Small Business Act, $542,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That up to $190,000,000 may be transferred to and merged with ''Salaries and Expenses'' for administrative expenses to carry out the disaster loan program: Provided further, That none of the funds provided under this heading may be used for indirect administrative expenses: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the ''Emergency Relief Program'' as authorized under 23 U.S.C. 125, $702,362,500, to remain available until expended, for expenses identified under ''Formal Requests'' in the Federal Highway Administration table entitled ''Emergency Relief Program Fund Request—updated 06/06/06'' with the exception of such expenses addressed in other provisions of this Act making amendments to Public Law 109–148 and expenses otherwise funded in other Appropriations Acts: Provided, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than $100,000,000 for such projects in a State in a fiscal year, to respond to damage caused by Hurricane Dennis and the 2004–2005 winter storms in the State of California: Provided further, That any amounts in excess of those necessary for emergency expenses relating to the eligible projects cited in the first sentence of this paragraph may be used for other projects authorized under 23 U.S.C. 125: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(HIGHWAY TRUST FUND)

(RECISSION)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $702,362,500 are rescinded: Provided, That such recission shall not apply to

the funds distributed in accordance with 23 U.S.C. 130(f), 23 U.S.C. 133(d)(1) as in effect prior to the date of enactment of Public Law 109–59, the first sentence of 23 U.S.C. 133(d)(3)(A), 23 U.S.C. 104(b)(5), or 23 U.S.C. 163 as in effect prior to the enactment of Public Law 109–59.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Community development fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of Hurricanes Katrina, Rita, or Wilma in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $5,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: Provided further, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: Provided further, That each State may use up to five percent of its allocation for administrative costs: Provided further, That not less than $1,000,000,000 from funds made available on a pro-rata basis according to the allocation made to each State under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: Provided further, That no State shall receive more than $4,200,000,000: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: Provided further, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: Provided further, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: Provided further, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: Provided further, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: Provided further, That of the amounts made available under this heading, $12,000,000 shall be transferred to ''Management and Administration, Salaries and Expenses'', of which $7,000,000 is for the administrative costs, including IT costs, of the KDHAP/DVP voucher program; $9,000,000 shall be transferred to the Office of Inspector General; and $6,000,000 shall be transferred to HUD's Working Capital Fund: Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount for the ''Federal Buildings Fund'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $37,000,000, from the General Fund and to remain available until expended: Provided, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Emergency Agricultural Disaster Assistance Act of 2006''.

SEC. 3002. DEFINITIONS.

In this title:

(1) HURRICANE-AFFECTED COUNTY.—The term ''hurricane-affected county'' means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Ophelia, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(2) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(A) a natural disaster declared by the Secretary—

(i) during calendar year 2005 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) during calendar year 2006 under that section, but for which a request was pending as of December 31, 2005; or

(B) a major disaster or emergency designated by the President—

(i) during calendar year 2005 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(ii) during calendar year 2006 under that Act, but for which a request was pending as of December 31, 2005.

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

Subtitle A—Crop and Livestock Assistance

SEC. 3011. SUGAR AND SUGARCANE DISASTER ASSISTANCE.

(a) FLORIDA.—The Secretary of Agriculture shall use $40,000,000 of funds of the Commodity Credit Corporation to make payments to processors in Florida that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses in hurricane-affected counties that are related to hurricanes, tropical storms, excessive rains, floods, and wind in Florida during calendar year 2005, by an agreement on the same terms and conditions, to the maximum extent practicable, as the payments made under section 102 of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act of 2005 (Public Law 108–324; 118 Stat. 1235), including that the 2005 base production of each harvesting unit shall be determined using the same base year crop production history that was used pursuant to the agreement under that section.

(b) LOUISIANA.—

(1) COMPENSATION FOR LOSSES.—The Secretary shall use $40,000,000 of the funds of the Commodity Credit Corporation to make assistance available to first processors of sugarcane that operate in a hurricane-affected county, or obtain sugarcane from a hurricane-affected county, and that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)), in the form of monetary payments or commodities in the inventory of the Commodity Credit Corporation derived from carrying out that section, to compensate producers and first processors for crop and other losses due to Hurricane Katrina, Hurricane Rita, or related conditions.

(2) ADMINISTRATION.—Assistance under this subsection shall be—

(A) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers, except with respect to a portion of the amount of total assistance provided under paragraph (1) necessary to compensate affected producers for individual losses experienced by the producers, including losses due to saltwater intrusion, flooding, wind damage, or increased planting, replanting, or harvesting costs, which shall be transferred by the first processor to the affected producers without regard to contractual share arrangements; and

(B) made available under such terms and conditions as the Secretary determines are necessary to carry out this subsection.

(3) FORM OF ASSISTANCE.—In carrying out this subsection, the Secretary shall—

(A) convey to the first processor commodities in the inventory of the Commodity Credit Corporation derived from carrying out section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(B) make monetary payments to the first processor; or

(C) take any combination of actions described in paragraphs (1) and (2), using commodities or monetary payments.

(4) LOSS DETERMINATION.—In carrying out this subsection, the Secretary shall use the same base year to determine crop loss that was elected by a producer to determine crop loss in carrying out the hurricane assistance program under section 207 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 543).

(5) LIMITATION.—The Secretary shall provide assistance under this subsection only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)).

(c) TEXAS.—The Secretary shall use $400,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Texas by making a payment in that amount to a farmer-owned cooperative sugarcane processor in that State, for costs of demurrage, storage, and transportation resulting from hurricanes, excessive rains, floods, wind, and other related conditions during calendar year 2005.

SEC. 3012. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use $95,000,000 of funds of the Commodity Credit Corporation to provide assistance under the same terms and conditions as assistance provided under section 203 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 539).

(2) ELIGIBLE APPLICANTS.—Subject to subsection (d), in providing assistance under paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) produces poultry, swine, sheep, beef, equine, buffalo, beefalo, dairy, goats, or an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) conducts an agricultural operation that is physically located in a hurricane-affected county; and

(C) meets all other eligibility requirements established by the Secretary.

(b) LIVESTOCK INDEMNITY PROGRAM.—

(1) IN GENERAL.—Effective beginning on the date of enactment of this Act, the Secretary shall use $30,000,000 of funds of the Commodity Credit Corporation to carry out a program under the same terms and conditions as the Livestock Indemnity Program authorized under title III of Public Law 105–18 (111 Stat. 170).

(2) ELIGIBLE APPLICANTS.—Subject to subsection (d), in carrying out the Program, the Secretary shall provide assistance to any applicant that—

(A) produces poultry, swine, sheep, eggs, beef, equine, buffalo, beefalo, dairy, goats, crawfish, or an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) conducts an agricultural operation that is physically located in a hurricane-affected county; and

(C) meets all other eligibility requirements established by the Secretary for the Program.

(c) LIVESTOCK INDEMNITY PROGRAM FOR CONTRACT GROWERS.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary shall use funds of the Commodity Credit Corporation to establish a program to assist poultry and egg producers in hurricane-affected counties that suffered income losses.

(2) TERMS AND CONDITIONS.—The program established under paragraph (1) shall contain similar terms and conditions as the terms and conditions used for the livestock indemnity program for contract growers described in subpart E of chapter XIV of title 7, Code of Federal Regulations (as in effect on January 1, 2002).

(d) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3013. SPECIALTY CROPS AND NURSERY CROPS.

(a) IN GENERAL.—The Secretary shall use $95,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers of specialty crops and nursery crops in hurricane-affected counties.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Assistance required by subsection (a) shall be carried out by the Secretary under the same terms and conditions as the special disaster relief programs carried out for producers that suffered from crop damage and tree losses, and carried out related cleanup, in certain areas of Florida due to Hurricanes Charley, Frances, and Jeanne during August and September 2004, as described in the notice of program implementation relating to Florida citrus, fruit, vegetable, and nursery crop disaster programs (69 Fed. Reg. 63134 (October 29, 2004)), with vegetable losses treated as citrus losses for purposes of that program.

(2) LOSS OF RECORDS.—Due to the complete destruction of the business records of many producers, the Secretary shall use the best available information in determining eligibility, determining losses, and calculating payment amounts under this section.

(c) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3014. DAIRY ASSISTANCE.

The Secretary shall use $17,000,000 of the funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses and dairy spoilage losses in hurricane-affected counties.

SEC. 3015. COTTONSEED.

(a) IN GENERAL.—The Secretary shall use $15,000,000 of the funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2005 crop of cottonseed in hurricane-affected counties.

(b) DISTRIBUTION OF FUNDS.—The Secretary shall provide disaster assistance under subsection (a) under the same terms and conditions as assistance provided under section 206 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 543), except that assistance shall be—

(1) distributed to producers and first handlers of cottonseed; and

(2) based on cottonseed production during the most recent year for which a disaster payment specifically for cottonseed was not authorized.

Subtitle B—Forestry

SEC. 3021. TREE ASSISTANCE PROGRAM.

(a) DEFINITION OF TREE.—In this section, the term ''tree'' includes a tree (including a Christmas tree, ornamental tree, nursery tree, and potted tree), bush (including a shrub), and vine.

(b) PROGRAM.—Except as otherwise provided in this section, the Secretary shall use such sums of funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under sections 10201 through 10203 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to—

(1) producers who suffered tree losses in hurricane-affected counties; and

(2) fruit and tree nut producers in hurricane-affected counties for site preparation, replacement, rehabilitation, and pruning.

(c) COSTS.—Funds made available under this section shall also be made available to cover costs associated with tree pruning, tree rehabilitation, and other appropriate tree-related activities as determined by the Secretary.

(d) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3022. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.

Section 1231(k)(3)(G) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(3)(G)) is amended by striking ''$404,100,000'' and inserting ''$504,100,000''.

SEC. 3023. When evaluating an offer to enroll private nonindustrial forest land into the emergency forestry conservation reserve program, as authorized by section 1231(k) of the Food Security Act of 1985 (16 U.S.C. 3831(k)), the Secretary of Agriculture shall accord equal weight to, and not distinguish between, private nonindustrial forest lands comprised of softwood or hardwood trees for the purpose of determining whether the private nonindustrial forest land of the landowner satisfies criteria used to evaluate the offer, including, but not limited to, soil erosion prevention, water quality improvement, wildlife habitat restoration, and mitigation of economic loss.

Subtitle C—Miscellaneous

SEC. 3031. ADMINISTRATIVE COSTS.

The Secretary may use not more than $9,600,000 of funds of the Commodity Credit Corporation to cover administrative costs incurred by the Farm Service Agency directly related to carrying out this title.

SEC. 3032. AQUACULTURE PRODUCER GRANTS.

Grants to assist aquaculture producers announced by the Secretary on May 10, 2006 (71 Fed. Reg. 27188; relating to 2005 section 32 hurricane disaster programs) shall be provided for industry recovery in a manner consistent with the announcement or under the same terms and conditions as assistance provided under section 203(a)(2)(B) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 540).

SEC. 3033. EMERGENCY DESIGNATION.

Amounts made available by the transfer of funds in or pursuant to this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3034. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE IV

PANDEMIC FLU

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' to prepare for and respond to an influenza pandemic, including international activities and activities in foreign countries, preparedness planning, enhancing the pandemic influenza regulatory science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, supporting pandemic influenza research, clinical trials and clinical trials infrastructure, and the development and purchase of vaccines, antivirals, and necessary medical supplies, $2,300,000,000, to remain available until expended: Provided, That $30,000,000 shall be transferred to and merged with funds appropriated under the heading ''Child Survival and Health Programs Fund'' in chapter 3 of title II of division B, of Public Law 109–148 for activities related to international surveillance, planning, preparedness, and response to the avian

influenza virus: Provided further, That $250,000,000 shall be for upgrading State and local capacity, and at least $200,000,000 shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response and quarantine: Provided further, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: Provided further, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE V

BORDER SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $708,000,000 for emergency National Guard support to the Department of Homeland Security, including operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, building patrol roads, and providing training, to remain available until September 30, 2007: Provided, That the Secretary of Defense may transfer these funds to appropriations for military personnel, operation and maintenance, and procurement to be available for the same purposes as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation, to be merged with and made available for the same purposes and for the time period provided under this heading: Provided further, That the Secretary of Defense shall, not more than five days after making transfers from this appropriation, notify the congressional defense committees in writing of any such transfer.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $410,000,000, to remain available until September 30, 2007: Provided, That the entire amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $95,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for ''Construction'', $300,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $327,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', for discretionary grants as determined by the Secretary, $15,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for ''Acquisition, Construction, Improvements, and Related Expenses'', $25,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 3

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For an additional amount for ''Administrative Review and Appeals'', $9,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $9,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE VI

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for ''Capitol Power Plant'', $27,600,000, to remain available until September 30, 2011: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE VII

GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 7001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 7002. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 7003. Section 8044 of Public Law 109–148 (119 Stat. 2708) is amended as follows: After ''Defense,'' and before ''acting'' insert, ''notwithstanding any other provision of law,''.

SEC. 7004. (a) Of the unobligated balances made available pursuant to section 504 of Public Law 108–334, $20,000,000 are rescinded.

(b) For an additional amount for ''United States Secret Service, Salaries and Expenses'', $20,000,000, to remain available until September 30, 2007.

SEC. 7005. (a) Of the funds available for ''Screening Coordination and Operations'', $3,960,000 are rescinded.

(b) For an additional amount for the ''Office of the Secretary and Executive Management'', $3,960,000.

SEC. 7006. Public Law 109–90 is amended by striking section 528.

SEC. 7007. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking ''June 30, 2006'' and inserting ''September 30, 2007''.

SEC. 7008. For an additional amount for ''Department of Labor, Mine Safety and Health Administration, Salaries and Expenses'', $25,600,000 for the enforcement of mine safety law with respect to coal mines, including the training and equipping of inspectors: Provided, That progress reports on hiring shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House on a quarterly basis, with the first report due July 15, 2006: Provided further, That the amount provided under this heading shall remain available until September 30, 2007: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 7009. Unexpended balances for Health Resources and Services Administration grant number 7C6HF03601–01–00, appropriated in Public Law 106–554, shall remain available until September 30, 2009.

SEC. 7010. For an additional amount for ''Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training'', to carry out section 501 of the Federal Mine Safety and Health Act of 1977, $10,000,000 for research to develop mine safety technology: Provided, That progress reports on technology development shall be submitted to the House and Senate

Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House on a quarterly basis, with the first report due July 15, 2006: Provided further, That the amount provided under this heading shall remain available until September 30, 2007: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 7011. Public Law 109–149 (119 Stat. 2876) under the heading ''Railroad Retirement Board, Dual Benefits Payments Account'' is amended by striking ''to the amount by which the product of recipients and the average benefit received exceeds $97,000,000'' and inserting ''to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits'' in lieu thereof.

SEC. 7012. Section 224 of Public Law 109–149 (119 Stat. 2862) is amended by striking ''June'' and inserting ''December'' in lieu thereof.

SEC. 7013. None of the funds appropriated in Public Law 109–149 or prior Acts under the heading ''Employment and Training Administration'' that are available for expenditure on or after the date of enactment of this section shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, except as provided for under section 101 of Public Law 109–149. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

SEC. 7014. Any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.), made with funds appropriated to, funds transferred to, or interest accumulated in the National Service Trust, shall hereafter be known as a ''Segal AmeriCorps Education Award''.

SEC. 7015. (a) REPEAL OF SINGLE HOLDER RULE.—Section 428C(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(b)(1)(A)) is amended by striking ''and (i)'' and all that follows through ''so selected for consolidation)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078–3) for which the application is received by an eligible lender on or after the date of enactment of this Act.

(c) CONSOLIDATION INTO DIRECT LENDING.—Section 428C(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(b)(5)) is amended by striking ''DIRECT LOANS.—'' and all that follows through ''Such direct consolidation loan'' and inserting the following: ''DIRECT LOANS.—In the event that a borrower is unable to obtain a consolidation loan from a lender with an agreement under subsection (a)(1), or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender, the Secretary shall offer any such borrower who applies for it, a Federal Direct Consolidation loan. Such direct consolidation loan''.

(d) REPEAL.—Section 8009(a) of the Higher Education Reconciliation Act of 2005 (Public Law 109–171, 120 Stat. 164) is amended by striking paragraph (2).

SEC. 7016. Section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking after ''Augusta'', ''$61,466,000'' and inserting in lieu thereof ''$340,854,000''. This project may be incrementally funded. Funds appropriated in Public Law 109–114 for this project shall be available to fund the first increment.

SEC. 7017. Section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended by striking after ''Kunia'', ''$305,000,000'' and inserting in lieu thereof ''$350,490,000''. The project may be incrementally funded. Funds appropriated in Public Laws 108–7, 108–87, and 109–114 for this project shall be available to fund the first increment.

SEC. 7018. Section 2403(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163) is amended in paragraph (2) by striking ''$12,500,000'' and inserting ''$291,888,000'', and in paragraph (3) by striking ''$256,034,000'' and inserting ''$301,524,000''.

SEC. 7019. Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1320), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2149) is further amended by striking ''840 acres'' and inserting ''1,540 acres''.

SEC. 7020. Of the amount made available by the Department of Justice Appropriations Act, 2006 under the heading ''Community Oriented Policing Services'' (Public Law 109–108, 199 Stat. 2302), for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797 et seq.), $1,500,000 shall be available to the Attorney General, without regard to such part BB, for the study on forensic science described in House Report 109–272 to accompany Public Law 109–108.

SEC. 7021. The referenced statement of the managers in House Report 109–272, Making Appropriations for Science, the Departments of State, Justice, and Commerce, and Related Agencies for the Fiscal Year Ending September 30, 2006, and for other purposes, under this heading is deemed to be amended with respect to amounts made available under the heading ''Science, Aeronautics and Exploration'' for the Mitchell Institute by striking ''educational purposes'' and inserting ''the science and engineering education endowment''.

SEC. 7022. Section 613 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2336) is amended—

(1) by inserting after ''$500,000 shall be available for the Iowa Department of Economic Development for the Entrepreneurial Venture Assistance Project'' the following: ''(including the ability to make subgrants or loans for such project)''; and

(2) by striking ''Clark County Department of Aviation, Las Vegas,'' and inserting ''University of Nevada Las Vegas,''.

SEC. 7023. Under the heading ''Department of Transportation, Federal Highway Administration, Emergency Relief Program'' in Public Law 109–148 (119 Stat. 2778), strike ''$629,000,000'' and insert ''$803,000,000''.

SEC. 7024. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY–03–345–00, NY–03–0325–00, NY–03–0405, NY–90–X398–00, NY–90–X373–00, NY–90–X418–00, NY–90–X465–00 together with an amount not to exceed $19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 7025. For recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricane Katrina, the Secretary may waive the Federal matching share requirements for Federal transit assistance programs under such chapter, including the Federal matching share requirements contained in existing Federal assistance grant agreements: Provided, That the Secretary may allow such recipients to use such assistance for operating assistance, notwithstanding the terms and conditions contained in existing Federal assistance grant agreements: Provided further, That the authority of the Secretary hereunder shall expire two years after the date of enactment of this section, unless determined otherwise by the Secretary for a compelling need.

SEC. 7026. The first sentence under the heading ''Department of the Treasury, Departmental Offices, Salaries and Expenses'' in title II of division A of Public Law 109–115 (119 Stat. 2432) is amended by inserting after ''travel expenses'' the words ''(except for travel performed by officials in the Office of Terrorism and Financial Intelligence and the Office of International Affairs)''.

SEC. 7027. (a) Funds appropriated for intelligence activities, or made available by the transfer of funds, by this Act, by Public Law 109–108 for the Department of Justice, or by Public Law 109–115 for the Department of the Treasury, are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947, as amended, (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for Fiscal Year 2006.

(b) Subsection (a) shall be effective:

(1) with respect to funds appropriated, or made available by the transfer of funds, by this Act, upon the enactment of this Act;

(2) with respect to funds appropriated, or made available by the transfer of funds, by Public Law 109–108 for the Department of Justice, as if enacted on the date of enactment of Public Law 109–108; and

(3) with respect to funds appropriated, or made available by the transfer of funds, by Public Law 109–115 for the Department of the Treasury, as if enacted on the date of enactment of Public Law 109–115.

SEC. 7028. (a) The matter under the heading ''Tenant-Based Rental Assistance'' in chapter 9 of title I of division B of Public Law 109–148 is amended—

(1) in the first proviso, by striking ''or the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77)'' and inserting ''the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965''; and

(2) in the second proviso, by inserting '', except that paragraph (7)(A) of such section shall not apply'' after ''1937''.

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 7029. The Department of Housing and Urban Development Appropriations Act, 2006 (Public Law 109–115) is amended in designated paragraph (5) under the heading ''Tenant-based Rental Assistance''—

(1) by striking ''$10,000,000'' and inserting ''$25,000,000''; and

(2) by striking ''$1,240,000,000'' and inserting ''$1,225,000,000''.

SEC. 7030. (a) The second paragraph under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is amended by striking ''statement of managers accompanying this Act'' and inserting ''statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the

House on November 18, 2005, and printed in the House section of the Congressional Record on such date''.

(b) Section 5023 of title V of division B of Public Law 109–148 is amended by striking ''in title III of Public Law 109–115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)'' and inserting ''in title III of division A of Public Law 109–115''.

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 7031. The referenced statement of the managers under the heading ''Community Development Fund'' in title II, division G of Public Law 108–199 is deemed to be amended—

(1) with respect to item number 402, by striking ''in Kansas City, Missouri'' and inserting ''in the Kansas City Metropolitan Statistical Area (MSA)'';

(2) with respect to item number 329 by striking ''for purchase of the D.C. Metropolitan Police Boys and Girls Club facility'' and inserting ''for renovation of Boys and Girls Clubs of Greater Washington Clubhouse #2, Clubhouse #4, Clubhouse #10, Clubhouse #11, and Clubhouse #14 in the District of Columbia'';

(3) with respect to item number 188 by striking ''the City of Macon for construction of the historic Coca-Cola building'' and inserting ''Wesleyan College in Macon, Georgia for facility renovation, build out, and construction'';

(4) with respect to item number 830 by striking ''construction'' and inserting ''purchase, renovation, build out and upgrade'';

(5) with respect to item number 380 by striking ''for construction of a new facility'' and inserting ''to upgrade an existing facility'';

(6) with respect to item number 348 by striking ''land acquisition'' and inserting ''the construction and renovation of the Holyoke Community College Enrollment Center''; and

(7) with respect to item number 602 by striking ''to the J. Frank Troy Senior Center in Toledo, Ohio for renovation and construction'' and inserting '', including $100,000 to the Northwest Ohio Area Office on Aging for construction of the Jerusalem Township Senior Center and Food Pantry; and $100,000 to Aurora Gonzales Resource Center, Toledo, Ohio, for renovation and build out of a facility''.

SEC. 7032. The referenced statement of the managers under the heading ''Community Development Fund'' in title II, division I of Public Law 108–447 is deemed to be amended—

(1) with respect to item number 838 by striking ''City of Canby, Minnesota'' and inserting ''Western Five Community Development Corporation.'';

(2) with respect to item number 912 by striking ''renovations to the Broadway Market'' and inserting ''the demolition and redevelopment of properties in the Broadway-Fillmore Corridor, Buffalo, New York'';

(3) with respect to item number 631 by striking ''construction'' and inserting ''acquisition'';

(4) with respect to item number 536 by striking ''an economic development planning study'' and inserting ''the Main Street Revitalization Project'';

(5) with respect to item number 444, by striking ''City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center'' and inserting ''St. Petersburg College, City of Seminole, Florida for the development of Science and Nature Park at St. Petersburg College'';

(6) with respect to item 260 by inserting after renovations ''and for property renovation at 754 Broad Street for the Family Center emergency shelter for families and children''; and

(7) with respect to item number 136, by striking ''renovation of the Fire House in Brookhaven, Mississippi'' and inserting ''the restoration of the historic City Hall in Brookhaven, Mississippi''.

SEC. 7033. The statement of managers correction referenced in the second paragraph under the heading ''Community Development Fund'' in title III, division A of Public Law 109–115 is deemed to be amended—

(1) with respect to item number 793 by striking ''for street infrastructure and parking facility improvements'' and inserting ''to purchase and demolish blighted property, develop detailed design/construction drawings, and to begin site preparation for new infill housing lots'';

(2) with respect to item number 1114 by striking ''West Virginia Technical College'' and inserting ''West Virginia University Institute of Technology Community and Technical College'';

(3) with respect to item number 849, by striking ''Mahanoy City, Pennsylvania for improvements to West Market Street'' and inserting ''Mahonoy City, Pennsylvania for improvements to Centre Street'';

(4) with respect to item number 740 by striking ''infrastructure improvements in Central Plaza Park'' and inserting ''the demolition and redevelopment of properties in the Broadway-Fillmore Corridor, Buffalo, New York'';

(5) with respect to item number 374 by striking ''Day Care'' and inserting ''Senior Citizens'';

(6) with respect to item number 714, by striking ''construction of a senior center;'' and inserting ''renovation and build out of a multipurpose center;''

(7) with respect to item number 850, by striking ''City of Lancaster, Pennsylvania'' and inserting ''in Pennsylvania'';

(8) with respect to item number 925, by striking ''Greenwood Partnership Alliance, South Carolina for the renovation of the Old Federal Courthouse'' and inserting ''City of Greenwood, South Carolina for the Emerald Triangle Project''; and

(9) with respect to item number 615 by inserting ''and UND Technology Transfer and Commercialization Center'' before the semicolon.

SEC. 7034. Notwithstanding any other provision of law, the Administrator of General Services may convey, without consideration ownership and jurisdiction (custody, accountability and control) to the City of Crosby, North Dakota real property as described: Lots 9, 10, 11, 12, 13, and 14, Eastlawn Addition to Crosby, Divide County, North Dakota.

SEC. 7035. 2007 DISCRETIONARY LIMITS. (a) IN GENERAL.—For the purposes of section 302(a) of the Congressional Budget Act of 1974, the allocations of the appropriate levels of budget totals for the Committee on Appropriations of the Senate for fiscal year 2007 shall be—

(1) $872,778,000,000 in total new budget authority for general purposes discretionary; and

(2) $577,241,000,000 in total new budget authority for mandatory;

until a concurrent resolution on the budget for fiscal year 2007 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

(b) ADJUSTMENTS AND LIMITS.—The limits and adjustments provided in section 402 of S. Con. Res. 83 (109th Congress), as passed the Senate, for fiscal year 2007 shall apply to subsection (a).

(c) APPLICATION.—The section 302(a) allocations in subsection (a) shall be deemed to be allocations set forth in the joint explanatory statement of managers accompanying the concurrent resolution on the budget for fiscal year 2007, as though adopted by Congress, for all purposes under titles III and IV of the Congressional Budget Act of 1974. Section 302(a)(4) of the Congressional Budget Act of 1974 shall not apply to this section.

(d) EXCEPTIONS.—The following provisions of H. Con. Res. 95 (109th Congress) shall not apply in the Senate—

(1) Section 404; and

(2) until January 3, 2007, section 403(b)(2).

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

This Act may be cited as the ''Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006''.

And the Senate agree to the same.

JERRY LEWIS,
C.W. BILL YOUNG,
RALPH REGULA,
HAROLD ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
HENRY BONILLA,
JOE KNOLLENBERG,
JOHN P. MURTHA,
MARTIN OLAV SABO,
ALAN B. MOLLOHAN,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOHN W. OLVER,
CHET EDWARDS,
Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
WAYNE ALLARD,
ROBERT C. BYRD
(except Deeming Resolution),
DANIEL K. INOUYE,
TOM HARKIN
(except Deeming Resolution),
BARBARA A. MIKULSKI
(except Deeming Resolution),
HARRY REID
(except Deeming Resolution),
HERB KOHL
(except Agriculture Disaster and Deeming Resolution),
PATTY MURRAY
(except Deeming Resolution and Veterans Funding)
BYRON L. DORGAN
(except Agriculture Disaster),
DIANNE FEINSTEIN,
TIM JOHNSON
(except Agriculture Disaster),
MARY L. LANDRIEU,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included in the reports of the House (H. Rept. 109–388) and of the Senate (S. Rept. 109–230) accompanying H.R. 4939 should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER I—DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The conference agreement provides $350,000,000, to remain available until expended, for PL 480 Title II Grants as proposed by the House and the Senate.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

The conference agreement recommends $65,791,894,000 for the Department of Defense, instead of $67,557,241,000, as proposed by the House, and $65,657,269,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense-Military.

[In thousands of dollars]

Account	House	Senate	Conference
Military Personnel:			
Military Personnel, Army	6,506,223	6,665,284	6,587,473
Military Personnel, Navy	1,061,724	1,071,474	1,321,474
Military Personnel, Marine Corps	834,122	860,872	840,872
Military Personnel, Air Force	1,145,363	1,195,713	1,155,713
Reserve Personnel, Army	166,070	150,570	140,570
Reserve Personnel, Navy	110,412	115,712	110,712
Reserve Personnel, Marine Corps	10,327	13,192	10,627
Reserve Personnel, Air Force	1,940	3,440	1,940
National Guard Personnel, Army	96,000	121,550	111,550
National Guard Personnel, Air Force	1,200	6,200	1,200
Total Military Personnel	9,933,381	10,204,007	10,282,131
Operation and Maintenance:			
O&M, Army	18,380,310	17,594,4101	17,844,410
O&M, Navy	2,793,600	2,826,693	2,696,693
O&M, Marine Corps	1,722,911	1,589,911	1,639,911
O&M, Air Force	5,328,869	6,057,408	5,576,257
O&M, Defense-Wide	3,259,929	2,879,899	2,830,677
O&M, Army Reserve	100,100	100,100	100,100
O&M, Navy Reserve	236,509	236,509	78,509
O&M, Marine Corps Reserve	55,675	87,875	87,875
O&M, Air Force Reserve	18,563	18,563	18,563
O&M, Army National Guard	178,600	178,600	178,600
O&M, Air National Guard	30,400	30,400	30,400
Former Soviet Union Threat Reduction Account	.....	.....	44,500
Afghanistan Security Forces Fund	1,851,833	1,908,133	1,908,133
Iraq Security Forces Fund	3,007,000	3,703,000	3,007,000
Iraq Freedom Fund	.....	25,000	.....
Joint Improvised Explosive Device Defeat Fund	.....	1,958,089	1,958,089
Total Operation and Maintenance	36,964,299	39,194,590	37,899,717
Procurement:			
Aircraft Procurement, Army	533,200	533,200	345,000
Missile Procurement, Army	203,300	203,300	203,300
Procurement of WTCV, Army	1,983,351	1,592,451	1,767,451
Procurement of Ammunition, Army	829,679	829,679	829,679
Other Procurement, Army	7,528,657	6,286,145	5,819,645
Aircraft Procurement, Navy	293,980	412,169	516,869
Weapons Procurement, Navy	90,800	63,351	55,200
Procurement of Ammunition, Navy & Marine Corps	330,996	327,126	323,256
Other Procurement, Navy	111,719	140,144	54,640
Procurement, Marine Corps	3,260,582	2,576,467	2,577,467
Aircraft Procurement, Air Force	663,595	679,515	674,815
Procurement of Ammunition, Air Force	29,047	29,047	29,047
Other Procurement, Air Force	1,489,192	1,452,651	1,500,591
Procurement, Defense-Wide	331,353	331,353	331,353
Total Procurement	17,679,451	15,456,598	15,028,313
Research, Development, Test and Evaluation:			
RDT&E, Army	424,177	54,700	54,700
RDT&E, Navy	126,845	124,845	124,845
RDT&E, Air Force	305,110	382,630	382,630
RDT&E, Defense-Wide	145,921	148,551	148,551
Total RDT&E	1,002,053	710,726	710,726
Revolving and Management Funds:			
Defense Working Capital Funds	502,700	516,700	516,700
Other Department of Defense Programs:			
Defense Health Program	1,153,562	1,153,562	1,153,562
Drug Interdiction and Counter-Drug Activities Defense	156,800	154,596	150,470
Office of the Inspector General	6,120	1,815	5,000
Total Other DoD Programs	1,316,482	1,309,973	1,309,032
Related Agencies:			
Intelligence Community Management Account	158,875	158,875	158,875
General Provisions:			
Transfer Authority for GWOT Supplemental [Non add]	[2,000,000]	2,000,000]	2,000,000]
Transfer Authority for FY 2006 Appropriations Act [Non add]	[0]	[600,000]	1,250,000]
Defense Cooperation Account	.....	5,800	5,800
Reduction for Border Security	.....	−1,908,000	.....
Cooperative Threat Reduction Program	.....	8,000	.....
Rescission, Missile Procurement, Air Force	.....	.....	(80,000)
Rescission, Other Procurement, Air Force	.....	.....	(39,400)
Grand Total	67,557,241	65,657,269	65,791,894

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days after the date of enactment of this legislation on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The conferees direct that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and subactivity group for the continuation of the war in Iraq and Afghanistan; and a listing of equipment procured using funds provided in this chapter. The conferees expect that in order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

Additionally, the conferees direct that the reporting requirements of section 9010 of Public Law 109–148, the Department of Defense Appropriations Act, 2006, regarding military operations and stability in Iraq shall apply to the funds appropriated in this Act.

ARMY COMBAT BRIGADES AND LONG-TERM EQUIPMENT REPAIR COSTS REPORTS

The conferees agree on the House requirements for reports to be submitted to the congressional defense committees on Army Combat Brigades and Long-Term Equipment Repair Costs. The conferees direct that the reports shall be submitted not later than July 7, 2006.

NATIONAL GUARD AND RESERVE

The House report directed that not less than $3,571,083,000 of the funds provided in this bill shall be provided for the National Guard and Reserve forces to prosecute the Global War on Terror. The conferees agree that within the funds provided in the conference report, the National Guard and Reserve should receive not less than the President's budget request for these activities.

STRYKER UPGRADES

The conferees urge the Department of the Army to initiate Block 2 upgrade programs for existing Stryker brigades undergoing reset maintenance using funds available in this Act.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

MILITARY PERSONNEL

The conference agreement recommends $10,282,131,000 for the military personnel accounts, instead of $9,933,381,000 as proposed by the House, and $10,204,007,000 as proposed by the Senate. The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
Military Personnel, Army:			
Incremental OIF/OEF wartime costs	4,170,763	4,170,763	4,170,763
Basic Allowance for Housing	843,660	843,660	843,660
Army active duty overstrength	370,100	370,100	370,100
Convalescent Soldiers Clothing Allowance	1,900	1,900	1,900
Recruiting and Retention Initiatives	151,000	298,811	221,000
Subsistence	289,800	289,800	289,800
Foreign Language Proficiency Pay	33,700	33,700	33,700
SGLI/Death Gratuities	645,300	656,550	656,550
Total Military Personnel, Army	6,506,223	6,665,284	6,587,473
Military Personnel, Navy:			
Incremental OIF/OEF wartime costs	704,451	404,451	404,451
Basic Allowance for Housing	98,473	98,473	98,473
Pay and Allowances	.....	300,000	550,000
SGLI/Death Gratuity	221,000	230,750	230,750
Active Duty Special Work	13,400	13,400	13,400
GITMO PCS	12,500	12,500	12,500
Foreign Language Proficiency Pay/Other	10,400	10,400	10,400
GWOT Initiatives	1,500	1,500	1,500
Total Military Personnel, Navy	1,061,724	1,071,474	1,321,474
Military Personnel, Marine Corps:			
Incremental OIF/OEF wartime costs	283,492	283,492	283,492

[In thousands of dollars]

Account	House	Senate	Conference
Basic Allowance for Housing	86,430	86,430	86,430
Marine Corps active duty overstrength	272,600	272,600	272,600
Pay and Allowances		20,000	
SGLI/Death Gratuity	191,600	198,350	198,350
Total Military Personnel, Marine Corps	834,122	860,872	840,872
Military Personnel, Air Force:			
Incremental OIF/OEF wartime costs	721,834	721,834	721,834
Basic Allowance for Housing	131,100	131,100	131,100
Pay and Allowances		40,000	
SGLI/Death Gratuity	292,429	302,779	302,779
Total Military Personnel, Air Force	1,145,363	1,195,713	1,155,713
Reserve Personnel, Army:			
Recruiting and Retention Initiatives	159,070	129,070	129,070
Branch Officer Basic Course		10,000	
Foreign Army Training Command	4,500	4,500	4,500
Port Handling Operations	2,500	2,500	2,500
SGLI/Death Gratuity		4,500	4,500
Total Reserve Personnel, Army	166,070	150,570	140,570
Reserve Personnel, Navy:			
Incremental OIF/OEF wartime costs	82,128	82,128	82,128
Basic Allowance for Housing	24,984	24,984	24,984
Recruiting and Retention		5,000	
SGLI/Death Gratuity	2,300	2,600	2,600
GWOT Initiatives	1,000	1,000	1,000
Total Reserve Personnel, Navy	110,412	115,712	110,712
Reserve Personnel, Marine Corps:			
Transitional Active Force Augmentation	9,127	9,127	9,127
Recruiting and Retention		2,565	
SGLI/Death Gratuity	1,200	1,500	1,500
Total Reserve Personnel, Marine Corps	10,327	13,192	10,627
Reserve Personnel, Air Force:			
Schools and Special Training		1,500	
SGLI/Death Gratuity	1,940	1,940	1,940
Total Reserve Personnel, Air Force	1,940	3,440	1,940
National Guard Personnel, Army:			
Recruiting and Retention Initiatives	35,000	55,000	45,000
SGLI/Death Gratuity	5,000	17,550	17,550
Inactive Duty Training	36,200	36,200	36,200
Annual Training (AT)	12,800	12,800	12,800
Incapacitation Pay	7,000		
Total National Guard Personnel, Army	96,000	121,500	111,500
National Guard Personnel, Air Force:			
Recruiting and Retention Initiatives		5,000	
SGLI/Death Gratuity	1,200	1,200	1,200
Total National Guard Personnel, Air Force	1,200	6,200	1,200
Total Military Personnel	9,933,381	10,204,007	10,282,131

OPERATION AND MAINTENANCE

The conference agreement recommends $37,899,717,000 for the operation and maintenance accounts, instead of $36,964,299,000 as proposed by the House, and $39,194,590,000 as proposed by the Senate. The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	*Conference*
Operation and Maintenance, Army:	
Incremental Wartime Operating Costs	7,562,500
Incremental LOGCAP	1,752,410
Civilian and Contractor Subsistence	511,000
Second Destination Transportation	646,500
Other Transportation	754,600
Depot Maintenance	773,700
Depot Maintenance: Army National Guard Abrams AIM	130,000
Contractor Logistics Support (CLS)	865,700
Other Maintenance—Organizational and Intermediate	109,500
Communications and Electronics	585,200
Other Personnel Support	349,000
Recruiting and Retention	4,000
Medical and Casualty Support	62,600
Contract Linguists	290,000
Training	1,446,800
CONUS Base Support (to include CHPP Fire Damage)	16,000
Army Modular Facilities	247,700
Other GW OT Operations and Support	125,100
OHDACA Reimbursement	20,000
Lift and Sustain	351,000
Commanders Emergency Response Program	423,000
Project and Contracting Office	200,000
Joint Improvised Explosive Device (JIED) Defeat Transfer to JIED Fund Coalition Blue Force Tracker and COB Communications	16,000
Other Programs	235,600
Baseline Budget Fuel Increase	116,500
Reset	150,000
Total Operation and Maintenance, Army	17,744,410
Operation and Maintenance, Navy:	
Personnel Support Costs	41,800
Body Armor	13,200
Ship Depot Maintenance	134,200
Aircraft Depot Maintenance	19,600
Ground Depot Maintenance	110,300
Reset	36,700
Steaming Days	130,200
Flying Hours	503,900
C4I, Logistics, Material and Training Support	268,600
Other Operational Support Costs	203,100
OHDACA Reimbursement	20,000
Baseline Fuel Rate Increase	157,600
Other GWOT Operations and Support	90,600
Classified Programs	61,593
USMC Transportation	326,900
Airlift	255,700
Sealift	20,800
Other Transportation	301,900
Total Operation and Maintenance, Navy	2,696,693
Operation and Maintenance, Marine Corps:	
Personnel Support Costs	118,900
Body Armor/Initial Issue/Personal Protection Equipment	238,700
Equipment Maintenance	39,100
Reset	240,800
In-Theater Logistics Support	321,100
Horn of Africa LOG CAP	149,900
Other Operating Support Costs	190,511
Classified Programs	8,600
Second Destination Transportation	289,000
Airlift	22,300
Sealift	21,000
Total Operation and Maintenance, Marine Corps	1,639,911
Operation and Maintenance, Air Force:	
Operating Support/Flying Hours/Unit Optempo	1,262,849
Depot Maintenance and Contractor Logistics Support	838,572
Transportation	1,559,004
Fuel Rate Increase	149,200
GWOT Airlift/SDT	924,360
Personnel Support	296,294
Body Armor	24,700
Other Support	275,549
OHDACA Reimbursement	20,000
Classified Programs	225,729
Total Operation and Maintenance, Air Force	5,576,257
Operation and Maintenance, Defense-Wide:	
TJS—Combatant Commander Initiative Fund	25,000
SOCOM—Special Operations Command	856,852
DLA—Over Ocean Transportation	100,000
DCAA—Contract Audit	16,000
DCMA—Contract Management	6,000
DODEA—Family Support Counseling	85,000
DODEA—Transition Assistance to Separating Service Members	8,000
DLSA—Military Tribunals	11,000
DISA—Communications Network Support	77,000
AFIS—Stars & Stripes, American Forces Radio/TV Service	12,100
DSCA—Coalition Support	740,000
OSD—Lift & Sustain	95,000
OSD—NII/DCIP to Support USCENTCOM and Warfighter Activities	32,600
DTRA—Cooperative Threat Reduction (Transfer to FSUTR Account)	–
Other Defense-Wide Programs	26,547
Coast Guard Support	75,000
Classified Programs	664,578
Border Security Initiative (Transfer to title V)	–
Total Operation and Maintenance, Defense-Wide	2,830,677
Operation and Maintenance, Army Reserve:	
Recruiting and Retention Support	3,800
Premobilization Training	65,400

Account	Conference
Port Handling Operations	600
Pre/Post Mobilization Equipment Maintenance	8,800
USAR Range Operations	3,000
Foreign Army Training Command	2,000
Soldier and Family Support Programs	1,100
Baseline Budget Fuel Increase	15,400
Total Operation and Maintenance, Army Reserve	100,100
Total Operation and Maintenance, Navy Reserve:	
Reserve Operating Support Costs	59,909
Classified Programs	15,600
Depot Maintenance	3,000
Total Operation and Maintenance, Navy Reserve	78,509
Total Operation and Maintenance, Marine Corps Reserve:	
Body Armor/Initial Issue/Personal Protection Equipment	68,900
Other Personnel Support	2,100
Operating Forces	9,825
Training and Support	3,725
Base Operating Support	3,125
Baseline Budget Fuel Increase	200
Total Operation and Maintenance, Marine Corps Reserve	87,875
Operation and Maintenance, Air Force Reserve:	
Personnel Operating Support Costs	1,300
Baseline Budget Fuel Increase	17,263
Total Operation and Maintenance, Air Force Reserve	18,563
Operation and Maintenance, Army National Guard:	
Recruiting and Retention Support	77,000
Premobilization Training	21,500
Aviation Depot Level Maintenance	19,300
Military Technician Program	30,000
Battle Command Simulation	1,200
Line of Duty Application Processing	1,500
Baseline Budget Fuel Increase	28,100
Total Operation and Maintenance, Army National Guard	178,600
Operation and Maintenance, Air National Guard:	
Baseline Budget Fuel Increase	30,400
Total Operation and Maintenance, Air National Guard	30,400
Former Soviet Union Threat Reduction Account (FSUTRA)	44,500
Afghanistan Security Forces Fund	1,908,133
Iraq Freedom Fund	3,007,000
Total Security Forces Funds	4,915,133
Iraq Freedom Fund	-
Joint Improvised Explosive Device Defeat Fund	1,958,089
Total Operation and Maintenance	37,899,717

COMPREHENSIVE COMBAT CASUALTY CARE CENTER IN SAN DIEGO

The conferees are pleased that the Navy has made funds available to open the Comprehensive Combat Casualty Care Center in San Diego and that the Navy has agreed to continue financing this center in future budgets. The creation of this center will help marines, sailors and soldiers assigned to the West Coast return to their commands, families and communities, while ensuring that their rehabilitation continues without interruption.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The conference agreement includes $5,000,000 for emergencies and extraordinary expenses instead of $10,000,000 as proposed by the House. The Senate did not address this matter.

The conference agreement includes $740,000,000 in coalition support funding as proposed by the Senate instead of $1,200,000,000 as proposed by the House.

The conference agreement amends Senate language providing that up to $75,000,000 shall be transferred to the Coast Guard for operating expenses. The House bill addressed this matter in the Operation and Maintenance, Navy account.

BORDER SECURITY INITIATIVE

On May 18, 2006, the Administration submitted a revised supplemental request for a border security initiative. The revised request provided an additional $1,900,000,000 to the Departments of Defense, Justice and Homeland Security for this initiative. The additional amount for the President's border security initiative was offset by a corresponding reduction to the Department of Defense's funding for the Global War on Terror.

The conferees recommend $708,000,000, instead of $756,000,000 as proposed by the Administration, for the Department of Defense to fund the incremental military personnel and operation and maintenance costs of deploying up to 6,000 National Guard personnel to the U.S. border for one year in support of the Department of Homeland Security.

The funds recommended for the Department of Defense are addressed in Title V of this Act.

COUNSELING AND TRANSITION ASSISTANCE

The conferees remain concerned about the effects of combat operations on the emotional and psychological well-being of our military forces returning from war. This concern is borne out by a recently released Veterans Administration (VA) report that indicates almost 30,000 Operation Iraqi Freedom/Operation Enduring Freedom veterans have reported to VA hospitals with effects from post traumatic stress syndrome (PTSD). To address this issue, the conferees agree to include $93,000,000 for family support counseling and transition assistance, an increase of $50,000,000 over the request. The conferees believe the Department of Defense should redouble its efforts to understand the counseling and transition assistance needs of our returning troops and seek sufficient funding for programs that address these needs.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

The conference agreement provides $44,500,000 for the Former Soviet Union Threat Reduction Account.

AFGHANISTAN AND IRAQ SECURITY FORCES FUNDS

The conference agreement provides $1,908,133,000 for the Afghanistan Security Forces Fund, as proposed by the Senate, instead of $1,851,833,000 as proposed by the House; and provides $3,007,000,000 for the Iraq Security Forces Fund, as proposed by the House, instead of $3,703,000,000, as proposed by the Senate. The conferees agree that funds may be made available for infrastructure for the security forces in both countries that are being trained and equipped by the United States and its coalition allies, including police and military forces.

While the conference agreement does not provide full funding as requested by the President for these funds, the conferees note that it would not have been possible for the requested funds to be fully obligated and expended in the remaining months of fiscal year 2006. The reduction is taken without prejudice.

The conferees endorse language as proposed by the House regarding reporting requirements for the Afghanistan and Iraq Security Forces Funds.

The conferees are concerned that Iraq's neighbors in the Middle East have not provided sufficient resources to ensure security and stability in that country. Many of these nations have experienced greatly increased revenue flows due to the rise in oil prices. While the United States and its coalition allies have borne the predominant burden of combat operations, supporting free elections, and helping establish a permanent government, Arab and other nations in the region now need to greatly enhance their assistance for the new Iraqi security forces. The conferees strongly urge the Department of Defense and the Administration to renew efforts to solicit contributions from these nations so that in the future the United States is not the primary source of funds for the modernization of the Iraqi security forces.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

The conferees provide $423,000,000 for the Commander's Emergency Response Program (CERP), as proposed by both the House and the Senate. The conferees endorse language

as proposed by the House that amends current CERP reporting requirements. The conferees also recognize that military commanders in the field are the first line of contact with the civilian population and therefore direct that the CERP funds remain under the operational control of the military commanders.

CONDOLENCE PAYMENTS

The conferees agree with the intent of the Senate language on condolence payments to civilians who have suffered injuries, or to the families of those who have died, as a result of combat operations. In addressing Department of Defense condolence payments, the report should only address activities funded under the CERP program. Recommendations on funding mechanisms for condolence payments should include a consideration of funding through other Federal Agencies.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

The conferees provide $1,958,089,000 for the Joint Improvised Explosive Device Defeat Fund, as proposed by the Senate.

The conferees endorse the Senate language which directs the Department of Defense to provide an initial report on the organization, funding, and other matters related to the Joint Improvised Explosive Device Defeat Fund. The initial report shall be provided to the congressional defense committees within 60 days of enactment of the accompanying Act. In addition, the Department is to provide subsequent reports not later than 30 days after the end of each fiscal quarter to the congressional defense committees.

PROCUREMENT

The conference agreement provides a total of$15,028,313,000 for various procurement appropriations, instead of $17,679,451,000 as proposed by the House and $15,456,598,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
Aircraft Procurement, Army:			
AH–64 Apache Mods	500,000	500,000	345,000
GUARDRAIL Mods (TIARA)	33,200	33,200	.....
Total Aircraft Procurement, Army	533,200	533,200	345,000
Missile Procurement, Army:			
ATACMS Block I A Unitary	91,000	91,000	91,000
ITAS/TOW Mods	112,300	112,300	112,300
Total Missle Procurement, Army	203,300	203,300	203,300
Procurement of Weapons and Tracked Combat Vehicles, Army:			
Stryker	164,875	158,875	158,875
Carrier Mods	50,000	50,000	50,000
Fire Support Team (FIST) Vehicle	116,220	116,220	116,220
Bradley Fighting Vehicle Systems Mods	5,000	5,000	5,000
Bradley Fighting Vehicle Systems Mods—Bradley Reactive Armored Tile (BRAT)	137,400	137,400	137,400
Bradley Base Sustainment	250,000	.....	175,000
M1 Abrams Tank Mod (AIM)	103,000	103,000	103,000
System Enhancement Program: SEP M1A2	300,000	.....	.....
M1 Abrams Tank Urban Survival Kit (TUSK)	100,000	100,000	100,000
Abrams System Enhancement Program: SEP M1A2	.....	300,000	300,000
Improved Recovery Vehicle	100,000	.....	.....
Heavy Assault Bridge (HAB) System Mod	6,346	6,346	6,346
M240 medium machine gun (7.62mm)	2,703	2,703	2,703
M249 SAW machine gun (5.56mm)	23,939	23,939	23,939
MK–19 Grenade Machine Gun (40mm)	18,300	18,300	18,300
Mortar Systems	50,500	50,500	50,500
M107, Cal. 50 sniper rifle	9,949	9,949	9,949
Pistol 9mm Automatic, M9	4	4	4
XM 110 Semi-Automatic Sniper System (SASS)	8,000	8,000	8,000
CROWS	131,000	131,000	131,000
Howitzer, Light Towed, 105mm, M119	152,900	152,900	152,900
Phalanx	192,600	157,700	157,700
Howitzer, MED SP FT 155mm M109A6	480	480	480
Shotgun Modular Accessory System (MASS)	10,478	10,478	10,478
M249 SAW mods	14,060	14,060	14,060
M240 medium machine gun mods	10,105	10,105	10,105
M16 rifle mods	659	659	659
Modifications Less Than $5 Million	11,224	11,224	11,224
M2 50 Cal Machine Gun Mods	8,900	8,900	8,900
Small Arms Equipment (Soldier Enhancement Program	4,709	4,709	4,709
Total Procurement of WTCV, Army	1,983,351	1,592,451	1,767,451
Procurement of Ammunition, Army:			
CTG, 5.56MM, All Types	50,170	50,170	50,170
CTG, 7.62MM, All Types	45,739	45,739	45,739
CTG, 9MM, All Types	3,513	3,513	3,513
CTG, .50 CAL, All Types	22,951	22,951	22,951
CTG, 20MM for Counter Rocket and Mortar System (C–RAM)	20,700	20,700	20,700
CTG, 25MM, All Types	18,999	18,999	18,999
CTG, 30MM, All Types	11,062	11,062	11,062
CTG, 40MM, All Types	47,132	47,132	47,132
CTG, 60MM MORTAR, All Types	30,670	30,670	30,670
CTG, 81MM MORTAR, All Types	67,469	67,469	67,469
CTG, MORTAR, 120MM, All Types	139,927	139,927	139,927
CTG, Tank Training, All Types	2,262	2,262	2,262
CTG, Tank, 120MM Tactical, All Types	15,000	15,000	15,000
CTG, Artillery, 155MM, All Types	4,239	4,239	4,239
Modular Artillery Charge System (MACS), All Types	16,082	16,082	16,082
Mines (Conventional), All Types	486	486	486
Mine, Clearing Charge, All Types	5,000	5,000	5,000
Shoulder Fired Rockets, All Types	8,571	8,571	8,571
Rocket, Hydra 70, All Types	10,000	10,000	10,000
Demolition Munitions, All Types	25,828	25,828	25,828
Grenades, All Types	7,577	7,577	7,577
Signals, All Types	186,209	186,209	186,209
Non-Lethal Ammunition, All Types	46,782	46,782	46,782
Items Less Than $5 Million	12,311	12,311	12,311
Provision of Industrial Facilities (Holston Army Ammunition Plant)	31,000	31,000	31,000
Total Procurement of Ammunition, Army	829,679	829,679	829,679
Other Procurement, Army:			
Joint Improvised Explosive Device (IED) Defeat	1,110,712	.....	.....
LOGCAP Trucks, Trailers and other equipment	245,000	.....	.....
Tactical Trailer/Dolly Sets	29,000	29,000	29,000
Up-Armor HMMWVs: M1151, M1152	890,000	890,000	890,000
FMTVs	499,000	499,000	319,000
Fire Trucks and Associated Fire Fighting Equipment	23,600	23,600	23,600
FHTV	142,100	142,100	142,100
Armored Security Vehicles	39,200	39,200	39,200
HMMWV RECAP Program	451,900	451,900	451,900
Modification of In-Service Equipment Transfer from RDT&E,A	.....	21,800	21,800
Non-Tactical Vehicles, Other	600	600	600
Super High Frequency (SHF) Terminal (SPACE)	10,000	10,000	10,000
Navstar Global Positioning System (Space)	63,200	63,200	63,200
Global Broadcast Service (GBS)	1,300	1,300	1,300
Global Command and Control System—Army (GCCS–A)	7,200	7,200	7,200
Items Under $5 million, Modification of In-Service Equipment	2,000	2,000	2,000
Army Data Distribution System (ADDS)	31,300	31,300	31,300
SINCGARS Family	692,000	692,000	525,000
Bridge to Future Networks—Joint Network Nodes (JNN)	853,700	743,700	643,700
Radio Improved, HF Family	257,700	257,700	257,700
Medical Comm for Combat Casualty Care (MC4)	11,300	11,300	11,300
TSEC, Army Key Management System (AKMS)	35,700	35,700	35,700
Information System Security Program	95,700	.....	.....
World Wide Tech Control Improvement Program	6,200	101,900	101,900
All Source Analysis System	33,500	33,500	33,500
Army Common Ground Station	8,900	8,900	8,900
Prophet Ground	8,900	8,900	8,900
Tactical Unmanned Aerial System (TUAS)	50,200	50,200	50,200
Digital Topographic Support System	36,400	36,400	36,400
Tactical Exploitation System (TES)	19,500	19,500	.....
CI HUMINT Information Management Systems (CHIMS)	6,900	6,900	6,900
Items Less Than $5.0M (MIP)	53,100	53,100	53,100
Lightweight Counter Mortar Radar	89,700	89,700	89,700
Counter Intelligence/Security Countermeasure	4,200	4,200	4,200
Night Vision Devices.	173,300	173,300	173,300
Long Range Advanced Scout Surveillance System (LRAS3)	82,200	82,200	82,200
Thermal Weapon System—NightVision Equipment	42,200	42,200	42,200
Artillery Accuracy	15,500	15,500	15,500
Modification of In-Service Equipment (Firefinder Radar)	108,300	108,300	108,300
Force XXI Battle Command BDE and Below (FBCB2)	38,900	38,900	38,900
Lightweight Laser Designator Rangefinder (LLDR)	95,000	95,000	95,000
Handheld Mortar Ballistic Computer (LHMBC)	21,300	21,300	21,300
Mortar Fire Control System	9,600	9,600	9,600
Tactical Operations Centers	78,300	78,300	78,300
Advanced Field Artillery Tactical Data Systems (AFATDS)	1,900	1,900	1,900
Lightweight Technical Fire Direction System	2,700	2,700	2,700
Battle Command Sustainment Support System (BCS3)	21,600	21,600	21,600
Forward Area Air Defense Command, Control and Intelligence (FAAD C2) System	154,400	189,300	189,300
Forward Entry Device (FED)/Lightweight FED	6,100	6,100	6,100
M707 Knight with Fire Support Sensor System (FS3)	112,800	112,800	112,800
Maneuver Control System (MCS)	26,000	26,000	26,000
Single Army Logistics Enterprise	600	600	600
Automated Data Processing Equipment	87,800	87,800	87,800
Transponder Test Set	2,700	2,700	2,700
Smoke and Obscurant Family—Radiac Meters & Chem Masks	11,800	11,800	11,800
Handheld Standoff Minefield Detection System	5,300	5,300	5,300
Ground Standoff Minefield Detection System	200,700	200,700	200,700
Explosive Ordnance Disposal Equipment (EOD EQPM)	2,100	2,100	2,100
Items Less than $5.0M Countermine Equipment	1,100	1,100	1,100
Items Less than $5.0M Engineering Support	1,000	1,000	1,000
Distribution System, Petroleum and Water	35,900	35,900	35,900
Shop Equipment, Contact Maintenance	37,300	37,300	37,300
Loader, Scoop, 4–5 Cubic Yard	5,000	5,000	5,000
Construction Equipment (Scrapers, Graders, Dozers)	25,000	25,000	25,000

[In thousands of dollars]

Account	House	Senate	Conference
Generators and Associated Equipment	24,400	24,400	24,400
Persistent Surveillance/Threat Detection Systems	143,400	143,400	143,400
Physical Security Systems—Mobile Vehicle and Cargo Inspection Systems	37,700	37,700	37,700
Communications Equipment Spares (TUAV Spares)	3,000	3,000	3,000
Building Pre-Fab, Relocatable		135,000	135,000
Demolition Set Explosive	100	100	100
Shelter Tunnel TY3	400	400	400
Table Tilting Gyro Instrument	3,000	3,000	3,000
Tool Outfit Hydraulic System	45	45	45
Classified Program	500	500	500
Training Devices, Nonsystem		31,500	31,500
Total Other Procurement, Army	7,528,657	6,286,145	5,819,645
Aircraft Procurement, Navy:			
V–22		230,000	230,000
UH–1Y/AH–1Z Aircraft			
KC–130J—Procure 2 Aircraft	126,600		126,600
EA–6 Series	7,029	7,029	7,029
AV–8 Series	9,647	21,947	9,647
F–18 Series	15,500	15,500	15,500
H–46 Series	12,957	12,957	12,957
AH–1W Series	810	810	810
H–53 Series	38,504	40,504	38,504
SH–60 Series	250	250	250
H–1 Series	14,978	14,978	14,978
E–2 Series	15,620	12,200	12,200
C–2A	1,950	1,950	1,950
C–130 Series	18,875	15,184	15,184
Common Electronic Countermeasure (ECM) Equipment	1,540	1,540	1,540
ID Systems	625	625	625
Spares and Repair Parts	20,409	11,909	20,409
Common Ground Equipment	2,937	2,937	2,937
Aircraft Industrial Facilities	879	879	879
War Consumables	4,870	20,970	4,870
Total Aircraft Procurement, Navy	293,980	412,169	516,869
Weapons Procurement, Navy:			
Hellfire Missiles	85,200	55,200	55,200
Small Arms and Weapons—NECC	5,600	8,151	
Total Weapons Procurement, Navy	90,800	63,351	55,200
Procurement of Ammunition, Navy and Marine Corps:			
Air Expendable Countermeasures	1,800	1,800	1,800
Small Arms and Landing Party Ammunition		3,870	
5.56MM Ammunition, All Types	10,284	10,284	10,284
7.62MM Ammunition, All Types	6,685	6,685	6,685
50 Caliber Ammunition	15,054	15,054	15,054
40MM Ammunition, All Types	48,888	41,148	41,148
60MM Ammunition, All Types	17,436	17,436	17,436
81MM Ammunition, All Types	35,652	35,652	35,652
120MM Ammunition, All Types	38,989	38,989	38,989
CTG 25MM, All Types	7,590	7,590	7,590
9MM Ammunition, All Types	235	235	235
Grenades, All Types	7,118	7,118	7,118
Rockets, All Types	45,303	45,303	45,303
Artillery, All Types	42,395	42,395	42,395
Demolition Munitions, All Types	36,420	36,420	36,420
Fuze, All Types	855	855	855
Non Lethals	1,070	1,070	1,070
Ammo Modernization	15,003	15,003	15,003
Items Less Than $5 Million	219	219	219
Total Procurement of Ammunition, Navy and Marine Corps	330,996	327,126	323,256
Other Procurement, Navy:			
Tactical Vehicles—NECC	17,928	25,528	
Construction and Mainenance Equipment—NECC	571	1,051	
Items Under $5 Million (Civil Engineering Support)—NECC	8,305	10,655	
Shipboard IW Exploit	19,000	19,000	19,000
Common Ground Imagery Ground Surface System DCGS—Navy	21,400	21,400	21,400
Communications Items Under$5M	4,095	4,995	4,955
Standard Boats (RHIBs)—NECC	22,295	36,995	
Physical Security Equipment	3,300	3,300	3,300
Chemical Warfare Detectors—NECC	376	1,476	
Materials Handling Equipment—NECC	73	478	
Spares and Repair Parts—NECC	3,436	3,801	
C41SR Equipment—NECC	140	140	140
NAVSTAR GPS Receivers—NECC		75	
Expeditionary Airfields	3,600	3,600	3,600
Items Less Than $5M, Other Shipboard Equipment	7,200	7,200	7,200
Total Other Procurement, Navy	111,719	140,144	54,640
Procurement, Marine Corps:			
AAV7A1 Product Improvement Program	58,089	58,089	58,089
Light Armored Vehicle (LAV) Product Improvement Program	62,000	62,000	61,953
M1A1 Firepower Enhancements	5,762		
Weapons & combat Vehicles under $5 Million (to include MARSOC)	134,710	35,610	35,610
Modular Weapon System	15,690	10,805	10,790
Modifications Kits (Armor & Weapons Systems)	39,392	32,500	32,492
Weapons Enhancement Program (to include MARSOC)	36,230	36,230	36,230
Operations Other Than War (Security Systems and Non-lethal Systems)	15,600	15,600	15,600
JAVELIN	3,682	3,682	3,682
Modifications Kits—TOW	239,984	239,984	239,984
Unit Operations Center	2,191	791	791
Repair and Test Equipment	222,510	222,510	222,510
Combat Support System (LSWAN)	15,000	15,000	15,000
Items Under $5 Million (Communications & electronics)	153	153	153
Air Operations C2 Systems	5,504	5,504	5,504
RADAR Systems (TPS–59)	15,250	15,250	15,250
Fire Support Systems	5,790	5,790	5,790
Intelligence Support Equipment (UAV)	78,175	18,975	18,975
Night Vision Equipment	258,740	217,040	217,147
Common Computer Resources	21,599	21,599	21,599
Command Post Systems	4,200		
Radio Systems	539,815	424,209	424,209
Communications Switching & Control Systems	215,125	118,425	119,425
Communications & Electronics Infrastructure Support	178,600	178,600	178,553
5/4T Truck HMMWV (MARSOC)	271,409	271,409	271,409
Motor Transport Modifications	302,179	302,179	302,179
Family of Tactical Trailers	31,933	31,933	31,933
Items less than $5 Million (Various Support Vehicles)	1,991	1,991	1,991
Environmental Control Equipment Assorted	8,788	8,788	8,788
Bulk Liquid Equipment	7,581	7,581	7,581
Tactical Fuel Systems	4,016	4,016	4,016
Power Equipment Assorted	26,888	21,888	21,888
Amphibious Support Equipment (MARSOC)	12,168	12,168	12,168
EOD Systems	154,704	27,094	27,104
Physical Security Equipment	12,600	12,600	12,600
Material Handling Equipment	2,459	2,459	2,459
Field Medical Equipment	5,592	5,592	5,592
Training Devices	126,090	61,790	61,790
Container Family	7,212	7,212	7,212
Family of Construction Equipment (MARSOC)	2,126	2,126	2,126
Family of Internally Transportable Vehicle (ITV)	51,760		
Rapid Deployable Kitchen	800	800	800
Items less than $5 Million	56,495	56,495	56,495
Total Procurement, Marine Corps	3,260,582	2,576,467	2,577,467
Aircraft Procurement, Air Force:			
Compass Call IED Defeat Capability	600	600	600
U2 SIGINT Sensor Replacement	22,500	22,500	22,500
Predator RQ/MQ–1	53,000	57,700	53,000
A–10 Refurbishment	7,000	7,000	7,000
C–130J	216,000	216,000	216,000
HH–60 Altitude Hold Hover Stabilization System	9,200	9,200	9,200
Senior Scout QRC	1,300	1,300	1,300
RC–135 Rivet Joint Real-Time SIGINT	20,300	15,300	15,300
Tactical Data Link (A–10 Aircraft)	3,760	3,760	3,760
U–2 Electronic Warfare System MEWS Replacement	14,280		
U–2 Ground Support Unit II	975	975	975
AC–130 Enhanced ETCAS	13,000	13,000	13,000
C–17 Initial Spares Replenishment	28,000		28,000
C–17 (MYP)		28,000	
MQ–1 Predator Initial Equipment—AFSOC	76,680	76,680	76,680
C–17 LAIRCM	97,000		
C–17 Aircraft (AP for 7 aircraft in FY08)	100,000	227,500	227,500
Total Aircraft Procurement, Air Force	663,595	679,515	674,815
Procurement of Ammunition, Air Force:			
War Reserve Material Ammunition	22,527	22,527	22,527
Remote Firing Devices and Demolition Munitions for EOD Units	6,520	6,520	6,520
Total Procurement of Ammunition, Air Force	29,047	29,047	29,047
Other Procurement, Air Force:			
Hydrema Mine clearance Equipment	8,700	8,700	8,700
Up-Armored HMMWV	17,831	17,831	17,831
MTRS for EOD	12,500	12,500	12,500
AFRES Vehicle Replacements	223	223	223
Distributed Common Ground System	95,000	95,000	95,000
DGS–4	5,045	5,045	5,045
Halvorsen	7,000	7,000	7,000
DCGS PEDS Integration	1,600	1,600	1,600
Warfighting Headquarters ICE	1,500	1,500	1,500
Encryption Device Replacement	400	438	438
Combat Convoy Trainer	2,430	2,430	2,430
Classified	1,312,963	1,300,384	1,324,324
CENTAF Battle Control System—Mobile	24,000		24,000
Total Other Procurement, Air Force	1,489,192	1,452,651	1,500,591
Procurement, Defense-Wide:			
Teleport Program	4,800	4,800	4,800
Defense Information Switched Network	2,600	2,600	2,600
A/MH–6M Little bird Helicopters Repair & Replacements (3)	6,800	6,800	6,800
SOF Ordnance Replenishment	26,200	26,200	26,200
SOF Ordnance Acquisition	43,600	43,600	43,600
Communication Equipment & Electronics	47,400	47,400	47,400
SOF Intelligence Systems	23,300	23,300	23,300
Small Arms and Weapons	13,700	13,700	13,700
Tactical Vehicles	13,100	13,100	13,100
SOF Combatant Craft Systems	500	500	500
SOF Operational Enhancements	50,400	50,400	50,400
Individual Protection	5,100	5,100	5,100
Contamination Avoidance	53,178	53,178	53,178
Clasified Programs	40,675	40,675	40,675
Total Procurement, Defense-Wide	331,353	331,353	331,353
Total Procurement	17,679,451	15,456,598	15,028,313

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides a total of $710,726,000 for research, development, test and evaluation appropriations, as proposed by the Senate, instead of $1,002,053,000 as proposed by the House.

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
RDT&E, Army:			
Joint Improvised Explosive Device (IED) Defeat	357,477	.....	.....
Combat Engineer Equipment Uparmoring Engineering Development	25,800	4,000	4,000
FAAD C2 Counter Rocket, Artillery, Mortar (C–RAM)	13,400	13,400	13,400
Oak Bard (Classified)	5,900	5,900	5,900
Rapid Equipping Soldier Support Equipment	20,000	20,000	20,000
JNN Testing (transfer from Other Procurement, Army)	.....	10,000	10,000
Fuel Cost Increase	1,600	1,400	1,400
Total RDT&E, Army	424,177	54,700	54,700
RDT&E, Navy:			
AV–8B Aircraft Engine Development	4,500	4,500	4,500
Electronic Warfare Development	900	900	900
Other Helo Development	2,000	.....	.....
Classified Program	117,445	117,445	117,445
Various (Fuel)	2,000	2,000	2,000
Total RDT&E, Navy	126,845	124,845	124,845
RDT&E, Air Force:			
A–10 Beyond Line-of-Site Radio	1,200	1,200	1,200
TARS CIP	3,000	.....	.....
CENTAF BCS–M Replacement	6,000	6,000	6,000
Fuel Price Increase	4,500	4,500	4,500
Predator Multiple Aircraft Control	1,500	.....	.....
Defense Reconnaissance Support Activities	3,430	3,450	3,450
Classified	285,480	367,480	367,480
Total RDT&E, Air Force	305,110	382,630	382,630
RDT&E, Defense-Wide:			
Defense Information Systems Agency	22,500	22,500	22,500
Advanced Concept Technology Development	2,600	2,600	2,600
Quick Reaction Special Projects	3,921	3,921	3,921
Classified	116,900	119,530	119,530
Total RDT&E, Defense-Wide	145,921	148,551	148,551
Total RDT&E	1,002,053	710,726	710,726

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement provides $516,700,000 for the Defense Working Capital Funds, as proposed by the Senate, instead of $502,700,000 as proposed by the House, to be allocated as follows:

[In thousands of dollars]

	Conference
War Reserve Stocks—Army	$49,100
Prepositioned Stocks—Army (APS–5)	43,000
Spares Augmentation—Army	255,000
Increased Fuel Costs (Defense Working Capital Fund)	37,600
Defense Logistics Agency (DLA) Fuel Distribution-Iraq	107,000
Theater Distribution Center Kuwait (DLA)	25,000

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement provides $1,153,562,000 for the Defense Health Program, as proposed by the House and the Senate, for medical costs related to providing health care for activated reservists and their families, allowing military hospitals to contract for civilian medical staff to backfill deployed active duty medical staff, providing mental health services and medical treatment of mental health conditions, and for other medical-related costs for the Global War on Terror.

The conferees agree that expanding the U.S. prosthetic and orthotic training capacity is an important long-term issue. However, the conferees do not agree to $20,000,000 within the total to expand the capacity to nine schools accredited by the National Commission on Orthotic and Prosthetic Education as proposed by the House. The conferees encourage the Department to enhance this training in future budget requests.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conference agreement provides $150,470,000 for Drug Interdiction and Counter-Drug Activities, Defense instead of $156,800,000 as proposed by the House, and $154,596,000 as proposed by the Senate. Adjustments to this account are shown below:

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

In thousands of dollars

Country	Budget	House	Senate	Conference
Afghanistan	102,900	102,900	102,900	102,900
Uzbekistan	6,000	0	0	0
Tajikistan	20,000	0	10,000	10,000
Turkmenistan	10,000	0	5,000	10,000
Oman	6,000	6,100	4,226	6,100
Pakistan	18,000	18,700	18,700	18,700
Kyrgyzstan	7,100	7,100	5,270	5,270
Kazakhstan	12,000	12,000	6,000	5,000
Iraq	5,000	5,000	0	0
Horn of Africa	5,000	5,000	2,500	2,500
TOTAL	192,800	156,800	154,596	150,470

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $5,000,000 for the Office of the Inspector General, instead of $6,120,000 as proposed by the House and $1,815,000 as proposed by the Senate. This increase is intended to allow the Inspector General to facilitate his oversight activities of the Afghanistan and Iraq Security Forces Funds, among other activities.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The conference agreement provides $158,875,000 for the Intelligence Community Management Account, as proposed by both the House and the Senate.

GENERAL PROVISIONS—THIS TITLE

The conferees agree to retain and amend section 1201, as proposed by the House and Senate, which provides the Secretary of Defense authority to transfer up to $2,000,000,000 of funds made available in this title.

The conferees agree to retain and amend section 1202, as proposed by the Senate, which amends section 8005 of the Department of Defense Appropriations Act, 2006 to provide an additional $1,250,000,000 in transfer authority.

The conferees agree to retain section 1203, as proposed by the Senate, which provides that funds in the Defense Cooperation Account may be transferred to other defense accounts.

The conferees agree to retain section 1204, as proposed by the Senate, which increases the authorized United States contribution to NATO to $345,547,000.

The conferees agree to retain and amend section 1205, as proposed by the House and Senate, which provides that not more than $22,200,000 may 706 233 be available for support for counter-drug activities of Afghanistan and Pakistan.

The conferees agree to retain and amend section 1206, as proposed by the House and Senate, which provides that during the current fiscal year working capital funds of the Department of Defense may increase the limitation on advance billing to $1,200,000,000.

The conferees agree to retain section 1207, as proposed by the House and Senate, which provides for an increase in the amount of funds that may be used for the Commander's Emergency Response Program (CERP).

The conferees agree to retain section 1208, as proposed by the House and Senate, which includes a technical change to language regarding use of the Afghanistan Security Forces Fund and the Iraq Security Forces Fund for supervision and administration costs of construction projects that will be completed after fiscal year 2006.

The conferees agree to retain section 1209, as proposed by the House and Senate, which prohibits funds provided in this chapter to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees.

The conferees agree to retain and amend section 1210, as proposed by the Senate, which amends Public Law 109–163 to provide retroactive payments of Death Gratuity benefits for those military members who died on active duty from May 12, 2005 to August 31, 2005.

The conferees agree to retain and amend section 1211, which rescinds a total of $119,400,000 from funds provided in prior Department of Defense appropriations acts. The conferees include a rescission of $39,400,000 from ''Other Procurement, Air Force'', appropriated in fiscal year 2005/2007. The conferees also include a rescission of $80,000,000 from ''Missile Procurement, Air Force'' appropriated in fiscal year 2006/2008.

The conferees agree to retain and amend section 1212, as proposed by the Senate, which directs the Department to continue the Interim Voting Assistance System (IV AS) Ballot Request Program.

The conferees agree to retain section 1213, as proposed by the Senate, which includes Sense of the Senate language that any request for funds after fiscal year 2007 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the President's annual budget submission for that fiscal year.

The conferees agree to delete language, as proposed by the Senate, which transfers

funds available for Cooperative Threat Reduction to the ''Former Soviet Union Threat Reduction Account''.

The conferees do not agree to section 1312 of the Senate bill regarding Federal employee pay when serving as a member of the Uniformed Services or National Guard.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

The conference agreement provides $7,800,000 for ''Child Survival and Health Programs Fund'', instead of $5,300,000 as recommended by the House and $10,300,000 as recommended by the Senate.

DEVELOPMENT ASSISTANCE

The conference agreement provides $16,500,000 for ''Development Assistance'' instead of $10,500,000 as proposed by the House and $22,500,000 as proposed by the Senate.

The conference agreement includes $6,000,000 for assistance for Guatemala for relief and reconstruction activities related to Hurricane Stan, instead of no funding as proposed by the House and $12,000,000 as proposed by the Senate.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $161,300,000 for ''International Disaster and Famine Assistance'' instead of $136,290,000 as proposed by the House and $171,290,000 as proposed by the Senate. The conferees agree to provide these funds to meet the highest priority requirements for disaster and famine assistance.

The conference agreement includes the Senate proposal to provide a transfer of $80,000 to Operating Expenses of the United States Agency for International Development (USAID).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement provides $101,000,000 for ''Operating Expenses of the United States Agency for International Development'' for expenses in Iraq, Afghanistan and Sudan, instead of $61,600,000 as proposed by the House and $141,600,000 as proposed by the Senate.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $1,686,000,000 for the ''Economic Support Fund'', instead of $1,584,500,000 as proposed by the House and $1,757,500,000 as proposed by the Senate.

The conferees agree that the funds provided in this appropriation shall be expended as follows:

Country	Request	House	Senate	Conference
Afghanistan	$43,000	$5,000	$43,000	$43,000
Iraq	1,489,000	1,489,000	1,489,000	1,485,000
Iran	65,000	0	0	0
Liberia	0	50,000	50,000	50,000
Pakistan	40,500	40,500	40,500	40,500
Jordan	0	0	100,000	50,000
Haiti	0	0	35,000	17,500
TOTAL	1,637,500	1,584,500	1,757,500	1,686,000

The conference agreement includes $43,000,000 for assistance for Afghanistan as proposed by the Senate, instead of $5,000,000 as proposed by the House.

The conference agreement includes a proposal by the Senate to provide $11,000,000 for costs of modifying direct loans and guarantees for Afghanistan and that the costs of modifying such loans should not be considered assistance.

The conference agreement includes a proposal by the Senate to provide $5,000,000 for agriculture and rural development programs in Afghanistan to be administered through a national consortium of agriculture colleges and land-grant colleges.

The conference agreement includes a proposal by the Senate to amend a provision carried in the Economic Support Fund appropriation of fiscal year 2006 and prior fiscal years.

The conference agreement includes a total of $1,485,000,000 for assistance for Iraq instead of $1,489,000,000 as proposed by both the House and the Senate.

Within the amounts provided for Iraq, the conference agreement includes $50,000,000 for continued support for the USAID Iraq Community Action Program (ICAP) which directly engages Iraqis in democratic decision making to restore basic services and reconstruct their own communities instead of $10,000,000 as proposed by the House and $75,000,000 as proposed by the Senate. The conferees agree that significant congressional support for ICAP is due to the fine work that has been achieved by this consortium of nongovernmental organizations committed to making the lives of Iraq's citizens more productive. These funds will enable ICAP to continue functioning at approximately the current level through fiscal year 2006, after which fiscal year 2007 funds will become available.

The conference agreement includes language to transfer $5,000,000 of the ICAP funds to the Iraq Relief and Reconstruction Fund (IRRF) for the Marla Ruzicka Iraqi War Victims Fund, instead of $10,000,000 as proposed by the Senate, for assistance to Iraqi civilians who have suffered losses as a result of the military operations.

Within the amounts provided for Iraq, the conference agreement includes $50,000,000 for democracy, rule of law, and reconciliation programs, including activities that promote the development of civil society, political parties, election processes and parliament. The Senate addressed this issue in Section 1407 of the bill. The conferees agree that the funds shall be provided to the following organizations in the following amounts:

[In thousands of dollars]

IFES	$10,000
IREX	3,000
NED	5,000
ADF	8,000
NDI	10,000
IRI	10,000
USIP-Iraq and Afghanistan	4,000
TOTAL	50,000

The conferees expect compliance with the reporting requirements contained in Section 1407(b) of the Senate bill.

The conference agreement includes $17,500,000 for Haiti instead of no funding as proposed by the House and $35,000,000 as proposed by the Senate for programs to increase economic opportunities, for police reform, and judicial and legal reforms.

The conference agreement includes a proposal by the Senate requiring that funds made available under this heading for police and judicial reform programs for Haiti be subject to regular notification procedures.

The conference agreement includes $50,000,000 for assistance for Jordan instead of no funding as proposed by the House and $100,000,000 as proposed by the Senate.

The conference agreement includes $40,500,000 for assistance for Pakistan as proposed by the House and the Senate for assistance to meet urgent needs associated with the October 2005 earthquake, including reimbursement of funds previously expended for such purposes.

The conference agreement includes $50,000,000 for assistance for Liberia as proposed by the House and the Senate. The conferees agree with the language as proposed by the Senate that assistance for Liberia should be for emergency employment activities, infrastructure development projects, democracy, human rights and rule of law programs, and activities to assist with the demobilization and reintegration of ex-rebel combatants.

The conferees expect compliance with the reporting requirement and the limitation on expenditures with respect to PRTs/PRDCs in Iraq as proposed by the House.

DEPARTMENT OF STATE

DEMOCRACY FUND

The conference agreement includes $22,500,000 for ''Democracy Fund'', instead of $10,000,000 as proposed by the House and $39,750,000 as proposed by the Senate.

The conference agreement does not include language as proposed by the House that the funds are for the advancement of democracy in Iran.

The conference agreement includes $20,000,000 for programs and activities promoting democracy in Iran instead of $10,000,000 as proposed by the House and $34,750,000 as proposed by the Senate.

The conference agreement provides $2,500,000 for assistance for the Democratic Republic of the Congo (DRC) instead of no funding as proposed by the House and $5,000,000 as proposed by the Senate. The conferees agree to provide these funds for immediate electoral assistance and to improve governance and consolidate democracy following the elections this year, the first in the DRC in nearly half a century.

The conference agreement includes a proposal by the Senate that funds available under this heading are available notwithstanding any other provision of law and those funds available to promote democracy in Iran shall be administered by the Middle East Partnership Initiative. The conference agreement includes a modification of this language to require consultation with the Department of State's Bureau of Democracy, Human Rights, and Labor.

The conference agreement includes a proposal by the Senate that funds available under this heading in this Act shall be subject to regular notification procedures.

The conferees expect compliance with reporting requirements and limitation on expenditure of funds with respect to democracy programs in Iran as proposed by the House.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $107,700,000 for ''International Narcotics Control and Law Enforcement'', as proposed by both the House and the Senate.

The conference agreement includes language making funds available until September 30, 2008 as proposed by the Senate instead of September 30, 2007 as proposed by the House.

The conference agreement includes language that provides from within funds appropriated under this heading, up to $13,000,000 for maritime surveillance aircraft for the Colombian Navy, instead of $26,300,000 as proposed by the House and no funding as proposed by the Senate. The conference agreement also includes language that allows for the transfer of these funds to the ''Foreign Military Financing Program'' should this provide the most effective means of procuring a maritime patrol aircraft for the Colombian Navy.

The conferees direct the Director of the Defense Security Cooperation Agency and the Deputy Secretary of State, prior to the obligation of the funds for the maritime patrol aircraft, to submit jointly a report to the Committees on Appropriations that describes: (a) an Analysis of Alternatives (AoA) for the acquisition of a maritime patrol aircraft for the Colombian Navy; (b) the source of funds most appropriate for supporting the recommended acquisition strategy (to include the viability of providing a maritime patrol capability through the transfer of excess defense articles); and (c) an assessment of the overall assistance needs of the Colombian Army, Air Force and Navy for fiscal year 2008. The AoA shall include at a minimum: the requirement or mission need for the aircraft to be procured; planned funding for the subject acquisition; cost of alternative aircraft to include mission essential communications, navigation and intelligence equipment; mission capabilities to include range, lift and operational limitations; estimated annual maintenance costs and requirements; and contract or availability limitations.

The conference agreement includes a proposal by the Senate that from within funds appropriated under this heading, $3,300,000 shall be made available for assistance for the Peace and Justice Unit of the Colombia Fiscalia notwithstanding section 599E of Public Law 109–102. The conferees agree to provide these funds to support criminal investigations and prosecutions related to the demobilization of paramilitary organizations. These funds are in addition to the $1,700,000 made available in fiscal year 2005 funds that have already been allocated for this purpose.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement provides $75,700,000 for ''Migration and Refugee Assistance'' instead of $51,200,000 as proposed by the House and $110,200,000 as proposed by the Senate.

The conference agreement includes the following amounts for the following programs:

[In thousands of dollars]

Afghanistan	$3,400
Chad/Darfur humanitarian assistance	11,700
Southern Sudan repatriation	12,300
Liberia	13,800
Refugee food aid	12,000
Burma	5,000
Other	17,500
TOTAL	75,700

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement does not include an appropriation for the ''United States Emergency Refugee and Migration Assistance Fund'' as proposed by the House instead of $20,000,000 as proposed by the Senate.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement includes $13,000,000 for ''International Affairs Technical Assistance'' as proposed by both the House and the Senate.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

The conference agreement includes $178,000,000 for ''Peacekeeping Operations'' instead of $173,000,000 as proposed by the House and $181,200,000 as proposed by the Senate.

The conference agreement does not include language proposed by the House that the appropriation be increased by $50,000,000.

The conference agreement includes the following amounts for the following programs:

[In thousands of dollars]

	Conference
Contractor logistics support/base operations	$68,200
Contract military observers	2,300
Security and infrastructure upgrades for AMIS base camps	8,500
Contractor train and equip AMIS battalions	37,000
Global Peace Operations Initiative	57,000
Democractic Republic of the Congo	5,000
Total	178,000

The conference agreement includes $5,000,000 for training and equipment for the Congolese National Army (FARDC) to improve the capacity of FARDC units that are integrated with United Nations peacekeeping troops to provide effective security. The conferees agree that rebuilding the FARDC into a professional, disciplined force that respects human rights and civilian authority will be essential to stability and peace in the Democratic Republic of the Congo. The conferees direct the Department of State to consult with the Committees on Appropriations prior to the obligation of these funds.

GENERAL PROVISIONS—THIS CHAPTER

Section 1301. Availability of funds—The conference agreement includes a provision similar to that proposed by the House (Sec. 1301) and similar to that proposed by the Senate (Sec. 1403) concerning availability of funds.

Sec. 1302. Iraq Relief and Reconstruction Fund—The conference agreement includes a provision similar to that proposed by the House (Sec. 1304) and the Senate (Sec. 1401) that extends the availability of the IRRF for an additional one year for the purposes of de-obligation and re-obligation of funds and provides new ''sectoral'' allocations for the IRRF.

The conference agreement does not include a provision as proposed House (Sec. 1302) recommendmg the transfer of $185,500,000 from funds appropriated to the IRRF to the ''Economic Support Fund'' contained in this Act.

Sec. 1303. Peacekeeping Operations (Rescission)—The conference agreement includes a provision similar to that proposed by the House (Sec. 1303) to rescind $7,000,000 of previously appropriated funds.

Sec. 1304. Palestinian Authority—The conference agreement includes a provision similar to that proposed by the Senate (Sec. 1404) and similar to a provision proposed by the House (Sec. 3012) concerning assistance to the Palestinian Authority.

Sec. 1305. Export-Import Bank (Rescission)—The conference agreement includes a provision similar to that proposed by the Senate (Sec. 1405) to rescind $37,000,000 of previously appropriated funds.

Sec. 1306. Administrative Cost—The conference agreement includes a provision proposed by the Senate (Sec. 1402) stating that the administrative costs of the Department of Defense associated with a construction project funded by the IRRF may be obligated at the time of the contract award and for pre-existing contracts by September 30, 2006, and states that such costs include all in-house government costs.

Democracy in Iraq—The conference agreement does not include a provision proposed by the Senate (Sec. 1407). Instead the conferees agree to provide $50,000,000 for democracy programs in Iraq within the ''Economic Support Fund'' in this Act.

Economic Support Fund (Rescission)—The conference agreement does not include a provision proposed by the Senate (Sec. 1408) that rescinded funds previously appropriated for Egypt cash transfer assistance.

TITLE III

GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

Palestinian Authority—The conference agreement does not, in this Title, include a provision proposed by the House (Sec. 3012) and similar to a provision proposed by the Senate (Sec. 1404) contained in Title I, Chapter 4 of the Senate bill. Instead, the conferees agree to address this issue as Sec. 1304 in Title I of this agreement.

Basing Rights in Iraq—The conference agreement does not include a provision proposed by the House (Sec. 3014) that would have prohibited the use of funds to enter into a basing rights agreement between the United States and Iraq.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conferees agree to provide $26,692,000 as proposed by the House and the Senate for the United States Coast Guard's share of enhanced death gratuity benefits and for upgrades to necessary intelligence systems.

CHAPTER 5

DEPARTMENT OF DEFENSE

Use of requested military construction funds to offset border security proposal.—The Office of Management and Budget (OMB) submitted on February 16, 2006, an emergency military construction request for the global war on terrorism totaling $484,700,000. The projects comprised by that request were deemed urgent and vital to ongoing contingency operations in Iraq and Afghanistan. On May 14, 2006, OMB submitted a border security funding proposal that included offsets from the military construction request submitted in February. Included in this list were three projects at Bagram, Afghanistan, though OMB gave no explanation as to why these projects were no longer deemed emergency requirements. The conferees do not recommend funding for these three projects, since the Administration no longer regards them as priorities. The conferees believe that emergency spending requests must be taken seriously and deserve to be reviewed and acted upon in good faith. Such consideration becomes more difficult, however, when emergency requests are revoked without any

apparent reason related to changing facts on the ground in the theater of operations.

MILITARY CONSTRUCTION, ARMY

The conferees agree to provide $187,100,000, instead of $287,100,000 as proposed by the House and $214,344,000 as proposed by the Senate. The conferees agree to include a provision as proposed by the House to prohibit the obligation or expenditure of funds for Counter IED/Urban Bypass Roads in Iraq until the Secretary of Defense submits a detailed plan for the construction of such roads. The Senate bill contained no similar provision. The conferees also agree to make the funds available until September 30, 2007, as proposed by the House, instead of September 30, 2010, as proposed by the Senate. Funds are provided as follows:

Location	Project description	Amended Request	Conference Agreement
Afghanistan: Bagram	Waste Water Treatment and Distribution System		
Afghanistan: Bagram	Waste Treatment Plant and Distribution System		
Afghanistan: Kabul	Consolidated Compound	30,000,000	30,000,000
Iraq: Al Asad	Airfield Improvements	30,000,000	15,000,000
Iraq: Al Asad	AT/FP Improvements	7,400,000	7,400,000
Iraq: Al Asad	Electrical Infrastructure/Generator Station	8,900,000	8,900,000
Iraq: Camp Taji/Ali	Base Perimeter Security Fence	22,000,000	22,000,000
Iraq: Camp Taji/Ali	Construct/Replace Roads	5,700,000	5,700,000
Iraq: Camp Taji/Ali	Dining Facility	5,100,000	5,100,000
Iraq: Camp Taji/Ali	Relocate Cedar II Convoy Support Center	35,000,000	21,000,000
Iraq: Camp Taqaddum	Air Control Tower		
Iraq: LSA Anaconda	Perimeter Security	12,000,000	12,000,000
Iraq: Various Locations	Counter IED/Urban Bypass Roads	167,000,000	50,000,000
Worldwide: Unspecified	Planning and Design	19,500,000	10,000,000
Total		342,600,000	187,100,000

MILITARY CONSTRUCTION, AIR FORCE

The conferees agree to provide $27,700,000, instead of $35,600,000 as proposed by the House and $28,200,000 as proposed by the Senate. The conferees agree to make the funds available until September 30, 2007, as proposed by the House, instead of September 30, 2010, as proposed by the Senate. Funds are provided as follows:

Location	Project description	Amended Request	Conference Agreement
Afghanistan: Bagram	Bulk Fuel Storage		
Afghanistan: Bagram	Tanker Truck Off-Load Facility	19,600,000	19,600,000
Iraq: Balad	Material Handling Equipment Road	5,800,000	5,300,000
Worldwide: Unspecified	Planning and Design	2,800,000	2,800,000
Total		28,200,000	27,700,000

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conferees agree to provide $20,600,000, instead of $35,200,000 as proposed by the Senate. The House bill contained no funding for this account. The conferees agree to make the funds available until September 30, 2007, instead of September 30, 2010, as proposed by the Senate. Funds are provided as follows:

Location	Project Description	Request	Conference Agreement
United Kingdom: Menwith Hill	Uninterruptable Power Supply (UPS) Building	18,600,000	18,600,000
United Kingdom: Menwith Hill	UPS Building—Chilled Water Systems	13,200,000	
Worldwide: Unspecified	Planning and Design	3,400,000	2,000,000
Total		35,200,000	20,600,000

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

The conferees have not included $430,000,000 of contingent emergency appropriations as proposed by the Senate. The House bill contained no similar provision.

GENERAL PROVISIONS—THIS CHAPTER

The conferees have not included a provision proposed by the Senate to prohibit the use of funds in this title to establish permanent United States military bases in Iraq, or to exercise United States control over the oil infrastructure or oil resources of Iraq. The House bill contained no similar provision.

The conferees have not included a provision proposed by the Senate to prohibit the use of funds in this title to establish permanent military bases in Iraq, or to exercise control over the oil infrastructure or oil resources of Iraq. The House bill contained no similar provision.

The conferees have not included a provision, proposed by the House, which would have expanded the use of funds previously appropriated to the Department of Veterans Affairs, Medical Services account. The Senate bill contained no similar provision.

CHAPTER 6

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement provides $3,000,000 for the United States Attorneys for necessary costs associated with national security investigations and prosecutions, as proposed by the House and Senate.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement provides $1,000,000 for the United States Marshals Service (USMS), instead of $1,500,000 as proposed by the Senate and no funding as proposed by the House. The funding is provided for USMS operations in Iraq.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSE

The conference agreement provides $85,700,000 for the Federal Bureau of Investigation, instead of $99,000,000 as proposed by the House and $82,000,000 as proposed by the Senate. Funds are provided for operations in Iraq and Afghanistan and enhanced counterterrorism activities. The recommendation includes language proposed by the House regarding information technology programs.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $14,200,000 for the Drug Enforcement Administration (DEA), as proposed by the House and instead of $5,000,000 as proposed by the Senate. The conference agreement includes $5,000,000 to create a National Security Section within DEA's intelligence program and $9,200,000 for intelligence equipment for use in Afghanistan.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conference agreement provides $4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives, as proposed by the Senate instead of $4,100,000 as proposed by the House. Funding is provided for ongoing operations in Iraq including firearms and explosives tracking and enforcement.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $1,383,625,000 under this heading for expenses relating to Iraq, Afghanistan, Iran, and Sudan, instead of $1,380,500,000 as proposed by the House, and $1,392,600,000 as proposed by the Senate. The agreement includes $1,327,275,000 for necessary expenses for the operations of the United States Mission in Iraq, including: $945,853,000 for security-related costs, including equipment, armored vehicles, protective details, common area security improvements and contract support; $28,956,000 for information technology and country-wide emergency radio connectivity; $217,720,000 for logistical costs; and $134,746,000 for the State Department operations in Iraq.

The following table provides details of funding:

State	Request	Conference
Diplomatic & Consular Programs:		
Embassy operations	134,746	134,746
Embassy security related costs	616,078	616,078
Information technology	28,956	28,956
Overhead protection	100,000	100,000
Provincial reconstruction teams (PRT) security	400,000	229,775
Logistics/Life Support (LOGCAP)	217,720	217,720
Total, Iraq Embassy Operations & Security	1,497,500	1,327,275
Office of the Presidential Special Envoy for Sudan		250
Iraq Study Group		1,000
Afghanistan operations & security	50,100	50,100
Public diplomacy programs for Iran	5,000	5,000
Total, D&CP	1,552,600	1,383,625

Within the amounts provided, $1,000,000 is included for transfer to the United States Institute of Peace for activities relating to Iraq. The Committees on Appropriations expect to be kept regularly informed on expenditures of funds for the Iraq Study Group.

Also, within the amount provided not less than $250,000 is included for the Office of the Presidential Special Envoy for Sudan. The conferees direct that this Office shall pursue, in conjunction with the African Union and other international actors, a sustainable peace settlement to end the genocide in Darfur, Sudan, assist the parties to the Comprehensive Peace Agreement for Sudan with implementation of the Agreement, coordinate policy, make recommendations, and pursue efforts related to conflict resolution to bring lasting stability to all areas of Sudan and the region, including northern Uganda and Chad, facilitate, in cooperation with the people of Darfur and the African Union, a dialogue within Darfur to promote conflict resolution and reconciliation at the grass roots level, and develop a common policy approach among international partners to address such issues.

Further, the conference agreement includes $50,100,000 for security requirements in Afghanistan, and $5,000,000 to expand public diplomacy information programs relating to Iran.

The conferees direct the State Department, no later than 60 days after the date of enactment of this Act, to provide a report to the Committees on Appropriations describing how, within these categories, the Department allocated the funds provided under this heading. The report shall also describe how the Department intends to allocate any remaining balances.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $25,300,000 under this heading, as proposed by both the House and Senate, of which $24,000,000 is for the Special Inspector General for Iraq Reconstruction to conduct oversight work on reconstruction projects in Iraq, and $1,300,000 is for the State Department's oversight work related to operations in Iraq and Afghanistan.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $5,000,000 for academic, professional and cultural exchanges with Iran, as proposed by both the House and Senate.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $129,800,000, the full amount of which is for the assessed costs of United Nations peacekeeping in Darfur and southern Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $10,274,000 for United States international broadcasting programs and activities promoting democracy in Iran, instead of $7,600,000 as proposed by the House and $30,250,000 as proposed by the Senate.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $25,826,000 for capital improvements relating to United States international broadcasting programs and activities promoting democracy in Iran, instead of $28,500,000 as proposed by the House. The Senate did not include funding under this heading.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes language under section 1601 waiving provisions of existing legislation that require authorizations to be in place prior to the expenditure of any appropriated funds.

The conference agreement includes language under section 1602 amending provisions of existing legislation regarding annuity limitations on reemployed civil and foreign service annuitants to facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the foreign service to Iraq and Afghanistan.

The conference agreement includes language under section 1603 providing authorities to equalize allowances, benefits, and gratuities of personnel on official duty in Iraq and Afghanistan.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conferees provide $1,800,000 for Salaries and Expenses, the same as the House and the Senate. Of this amount, $1,300,000 is to support the Department's participation as co-lead agency in the Iraq Threat Finance Cell; and $500,000 is to establish a Deputy Treasury Attaché in Iraq.

TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1—DEPARTMENT OF AGRICULTURE

WORKING CAPITAL FUND

The conference agreement provides $25,000,000 for the Working Capital Fund as proposed by the House and the Senate for necessary expenses of the National Finance Center as a result of Hurricane Katrina.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $445,000 for the Office of the Inspector General in the Department of Agriculture account for audits and investigations related to oversight of hurricane related activities, as proposed by the Senate instead of funding within the Department of Homeland Security account, as proposed by the House.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides $10,000,000 for the Agricultural Research Service (ARS), Salaries and Expenses, instead of $15,600,000 as proposed by the Senate.

The conferees recommend $10,000,000 for expenses incurred by the ARS in the wake of Hurricane Katrina. The conference agreement includes $6,000,000 for the immediate cleanup, salvage, and remediation of the Southern Regional Research Center (SRRC) in New Orleans, Louisiana. The conference agreement also includes $4,000,000 for expenses related to temporary duty assignments for ARS scientists working at the SRRC.

BUILDINGS AND FACILITIES

The conference agreement provides $20,000,000 for the Agricultural Research Service, Buildings and Facilities, for the long-term restoration of the Southern Regional Research Center in New Orleans, Louisiana, as proposed by the House and the Senate.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement does not provide funding for Farm Service Agency, Salaries and Expenses in this Title as proposed by the Senate.

EMERGENCY CONSERVATION PROGRAM

The conference agreement does not provide funding for the Emergency Conservation Program as proposed by the Senate.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

The conference agreement provides $50,955,000 for the Emergency Watershed Protection Program instead of $165,000,000 as proposed by the Senate. The conferees direct that funding under this program be prioritized to address watershed impairments that pose imminent threats to life or property.

The conference agreement does not include $10,000,000 in funding for easements as proposed by the House.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

The conference agreement provides $1,000,000 for Rural Development, Salaries and Expenses as proposed by the Senate.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $25,000,000 for the Rural Community Advancement

Program instead of $150,000,000 as proposed by the Senate to respond to damages caused by hurricanes that occurred during the 2005 calendar year. This funding level includes $20,000,000 for Community Facilities grants and not to exceed $5,000,000 for Community Facilities loans which can support an estimated loan level up to $1,389,000,000. The conferees expect unobligated balances remaining in the Community Facilities loan program to be transferred to the grant program should demand for loans not materialize by June 30, 2007.

GENERAL PROVISIONS—THIS CHAPTER

Section 2101.—The conference agreement includes a technical correction related to the Emergency Watershed Protection Program.

Section 2102.—The conference agreement includes language authorizing the Natural Resources Conservation Service to donate of up to 20 aging vehicles through agreements with communities affected by Hurricane Katrina and other hurricanes of the 2005 season.

Section 2103.—The conference agreement includes a provision to extend emergency authorities for an additional 18 months and includes language granting the Secretary of Agriculture temporary authorities for the Community Facilities Grant program.

Section 2104.—The conference agreement includes a provision to allow the transfer of funds from the United States Department of Agriculture to the Department of Commerce.

Section 2105.—The conference agreement includes a technical and conforming change consistent with section 2104.

Senate Section 2106.—The conference agreement does not include funding for rural housing as proposed by the Senate.

Section 2106.—The conference agreement includes language regarding the availability of past year funding for the wildlife habitat incentive program to carry out obligations made for fiscal year 2001.

Section 2109.—Non-competitive contracts for Katrina relief.—The conference agreement does not include section 2109 as proposed by the Senate, a prohibition on entering into non-competitive contracts over

$500,000, recognizing the nature of emergency response. The conferees direct any agency engaged in Katrina relief, not currently reporting to the Committees on Appropriations on non-competitive contracts, to report quarterly to the Committees detailing any non-competitive contract executed for Katrina relief that has or will exceed $500,000.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

The conference agreement recommends $1,154,919,000 for the Department of Defense, instead of $1,156,593,000 as proposed by the House, and $1,404,919,000 as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense—Military.

[In thousands of dollars]

Account	House	Senate	Conference
Military Personnel:			
Military Personnel, Army	2,125	2,125	2,125
Military Personnel, Navy	22,002	22,002	22,002
Military Personnel, Marine Corps	3,992	3,992	3,992
Military Personnel, Air Force	21,610	21,610	21,610
Reserve Personnel, Army	4,071	4,071	4,071
Reserve Personnel, Navy	10,200	10,200	10,200
Reserve Personnel, Marine Corps	2,176	2,176	2,176
Reserve Personnel, Air Force	94	94	94
National Guard Personnel, Army	1,304	1,304	1,304
National Guard Personnel, Air Force	1,408	1,408	1,408
Total Military Personnel	68,982	68,982	68,982
Operation and Maintenance:			
O&M, Navy	29,913	29,913	29,913
O&M, Air Force	37,359	37,359	37,359
O&M, Navy Reserve	12,755	12,755	12,755
O&M, Air Force Reserve	1,277	1,277	1,277
O&M, Army National Guard	42,307	42,307	42,307
Total Operation and Maintenance	123,611	123,611	123,611
Procurement:			
Procurement of Ammunition, Army	700	700	700
Other Procurement, Army	9,136	9,136	9,136
Aircraft Procurement, Navy	579	579	579
Procurement of Ammunition, Navy and Marine Corps	899	899	899
Shipbuilding and Conversion, Navy	775,236	1,025,236	775,236
Other Procurement, Navy	85,040	85,040	85,040
Aircraft Procurement, Air Force	13,000	13,000	13,000
Procurement, Defense-Wide	4,797	2,797	2,797
Total Procurement	889,387	1,137,387	887,387
Research, Development, Test and Evaluation:			
RDT&E, Navy	12,000	12,000	12,000
RDT&E, Air Force	6,250	6,250	6,250
RDT&E, Defense-Wide	730	730	730
Total RDT&E	18,980	18,980	18,980
Trust Funds, Revolving and Management Funds:			
Defense Working Capital Funds	1,222	1,222	1,222
National Defense Sealift Fund	10,000	10,000	10,000
Surcharge Collections, Sales of Commissary Stores, Defense	10,530	10,530	10,530
Total Trust and Revolving and Management Funds	21,752	21,752	21,752
Other Department of Defense Programs:			
Defense Health Program	33,881	33,881	33,881
Inspector General	.....	326	326
Total Other Department of Defense Programs	33,881	34,207	34,207
General Provision—Transfer Authority [Non add]	[0]	[75,000]	[150,000]
Grand Total	1,156,593	1,404,919	1,154,919

MILITARY PERSONNEL

The conference agreement recommends $68,982,000 for the military personnel accounts as proposed by the House and the Senate. The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
Military Personnel, Army:			
Basic Allowance for Housing	2,125	2,125	2,125
Total Military Personnel, Army	2,125	2,125	2,125
Military Personnel, Navy:			
Basic Allowance for Housing	22,002	22,002	22,002
Total Military Personnel, Navy	22,002	22,002	22,002
Military Personnel, Marine Corps:			
Basic Allowance for Housing	3,992	3,992	3,992
Total Military Personnel, Marine Corps	3,992	3,992	3,992
Military Personnel, Air Force:			
Basic Allowance for Housing	21,610	21,610	21,610
Total Military Personnel, Air Force	21,610	21,610	21,610
National Guard Personnel, Army:			
Basic Allowance for Housing	4,071	4,071	4,071
Total National Guard Personnel, Army	4,071	4,071	4,071
Reserve Personnel, Navy:			
Basic Allowance for Housing	10,200	10,200	10,200
Total Reserve Personnel, Navy	10,200	10,200	10,200
Reserve Personnel, Marine Corps:			
Basic Allowance for Housing	2,176	2,176	2,176

[In thousands of dollars]

Account	House	Senate	Conference
Total Reserve Personnel, Marine Corps	2,176	2,176	2,176
Reserve Personnel, Air Force:			
Basic Allowance for Housing	94	94	94
Total Reserve Personnel, Air Force	94	94	94
National Guard Personnel, Army:			
Basic Allowance for Housing	1,304	1,304	1,304
Total National Guard Personnel, Army	1,304	1,304	1,304
National Guard Personnel, Air Force:			
Basic Allowance for Housing	1,408	1,408	1,408
Total National Guard Personnel,	1,408	1,408	1,408
Total Military Personnel	68,982	68,982	68,982

OPERATION AND MAINTENANCE

The conference agreement recommends $123,611,000 for the operation and maintenance accounts as proposed by the House and the Senate. The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Navy:			
Facilities Sustainment, Restoration and Modernization	29,913	29,913	29,913
Total Operation and Maintenance, Navy	29,913	29,913	29,913
Operation and Maintenance, Air Force:			
Equipment Repair and Replacement	22,688	22,688	22,688
Facilities Sustainment, Restoration and Modernization	5,071	5,071	5,071
Personal Property Claims	9,600	9,600	9,600
Total Operation and Maintenance, Air Force	37,359	37,359	37,359
Operation and Maintenance, Navy Reserve:			
Collateral Equipment	2,285	2,285	2,285
Facilities Sustainment, Restoration and Modernization	10,470	10,470	10,470
Total Operation and Maintenance, Navy Reserve	12,755	12,755	12,755
Operation and Maintenance, Air Force Reserve:			
Travel, Per Diem, Other	1,277	1,277	1,277
Total Operation and Maintenance, Air Force Reserve	1,277	1,277	1,277
Operation and Maintenance, Army National Guard:			
Equipment Repair and Replacement	39,878	39,878	39,878
Facilities Sustainment, Restoration and Modernization	2,429	2,429	2,429
Total Operation and Maintenance, Army National Guard	42,307	42,307	42,307
Total Operation and Maintenance	123,611	123,611	123,611

PROCUREMENT

The conference agreement includes a total of $887,387,000 for various procurement appropriations, instead of $889,387,000, as proposed by the House, and $1,137,387,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[in thousands of dollars]

Account	House	Senate	Conference
Procurement of Ammunition, Army:			
Mississippi Ammunition plant repairs	700	700	700
Total Procurement of Ammunition, Army	700	700	700
Other Procurement, Army:			
Information Systems at National Guard Facilities	9,136	9,136	9,136
Total Other Procurement, Army	9,136	9,136	9,136
Aircraft Procurement, Navy:			
Aircraft Industrial Facilities	579	579	579
Total Aircraft Procurement, Navy	579	579	579
Procurement of Ammunition, Navy and Marine Corps:			
5″/54 Ammunition	347	347	347
Intermediate Caliber Ammunition	94	94	94
Other Ship Gun Ammunition	334	334	334
Small Arms and Landing Party Ammunition	124	124	124
Total Procurement of Ammunition, Navy and Marine Corps	899	899	899
Other Procurement, Navy:			
Milcon Support—NAS JRB New Orleans, LA	2,550	2,550	2,550
Milcon Support—NSA New Orleans, LA	600	600	600
Milcon Support—Gulfport, MS	10,350	10,350	10,350
Milcon Support—Stennis Space Center, MS	16,000	16,000	16,000
Base Infrastructure Replacement—Communications	35,052	35,052	35,052
BUPERS IT Systems—SPAWAR Systems Center	2,908	2,908	2,908
Replace IT Systems—SPAWAR Systems Center	8,830	8,830	8,830
Replace RESFOR IT Systems—NSA New Orleans, LA	8,750	8,750	8,750
Total, Other Procurement, Navy	85,040	85,040	85,040
Shipbuilding and Conversion, Navy:			
Overhead and Labor	775,236	1,012,236	775,236
Contractor-Furnished Equipment	.....	13,000	.....

[in thousands of dollars]

Account	House	Senate	Conference
Total Shipbuilding and Conversion, Navy	775,236	1,025,236	775,236
Aircraft Procurement, Air Force:			
Other Production Charges	13,000	13,000	13,000
Aircraft Procurement, Air Force	13,000	13,000	13,000
Procurement, Defense-Wide:			
Special Operations Command	4,797	2,797	2,797
Procurement, Defense-Wide:	4,797	2,797	2,797
Total Procurement	889,387	1,137,387	887,387

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides a total of $18,980,000 for research, development, test and evaluation appropriations as proposed by the House and the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
RDT&E, Navy:			
Littoral Combat Ship	12,000	12,000	12,000
Total RDT&E, Navy	12,000	12,000	12,000
RDT&E, Air Force:			
Facilities Restoration and Modernization—T&E Support.			
Test and Evaluation Support Equipment	1,800	1,800	1,800
Facility Restoration	4,450	4,450	4,450
Total RDT&E, Air Force	6,250	6,250	6,250
RDT&E, Defense-Wide:			
Classified	730	730	730
Total RDT&E, Defense-Wide	730	730	730
Total RDT&E	18,980	18,980	18,980

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The conference agreement includes $1,222,000 for the Defense Working Capital Funds, as proposed by the House and the Senate.

NATIONAL DEFENSE SEALIFT FUND

The conference agreement includes $10,000,000 for the National Defense Sealift Fund, as proposed by the House and the Senate.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

The conference agreement includes $10,530,000 for General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense, as proposed by the House and the Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement provides $33,881,000 for the Defense Health Program, as proposed by the House and Senate, for health care costs associated with active duty personnel and beneficiaries who previously received care at Keesler Medical Center and now are receiving health care and pharmaceuticals through private sector contracts.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides $326,000 for the Office of the Inspector General, as proposed by the Senate. The House did not provide funding in this account.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 2201, as proposed by the Senate, which provides the Secretary of Defense authority to transfer up to $150,000,000 of funds made available in this chapter and in chapter II of title I of this Act.

The conferees agree to retain section 2202, as proposed by the House and Senate, which prohibits funds provided in this chapter to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees.

The conferees agree to amend section 2203, as proposed by the Senate, to allow for the use of funds appropriated to the Navy for certain specified activities.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The Committee recommendation provides emergency funding to address water resource needs related to Hurricane Katrina and other emergency needs.

INVESTIGATIONS

Funds totaling $3,300,000 are provided for the Corps to develop a comprehensive plan, at full Federal expense, to deauthorize deep draft navigation on the Mississippi River-Gulf Outlet, Louisiana. The plan shall include recommended modifications to the existing authorized current use of the Outlet, including what navigation functions, if any, should be maintained and any measures for hurricane and storm protection. The plan shall be developed in consultation with St. Bernard Parish, the State of Louisiana, and affected Federal Agencies. An interim report summarizing the plan shall be forwarded to the appropriate House and Senate authorizing and appropriations committees within six months of enactment of this Act and final recommendations shall be integrated into the Louisiana Coastal Protection and Restoration Plan, due to Congress in December 2007.

Additionally, the Secretary is directed to undertake an analysis to determine the amount of vertical settlement or subsidence that has occurred since levee system components were built, versus levee grade deficiencies due to the application of new storm data. The Plan shall address how these changes affect compliance with 100-year floodplain certification and standard project hurricane requirements. A report on the findings of this analysis shall be forwarded to the appropriate authorizing and appropriations committees within 90 days of enactment of this Act.

CONSTRUCTION

Funds totaling $549,400,000 are provided for Construction. The Conferees are aware that the wetlands surrounding the greater New Orleans metropolitan area operate as a natural buffer to lessen storm impacts, and are an important part of the overall storm damage reduction system. Nourishing and rebuilding these wetlands will increase the effectiveness of the levees and floodwalls of New Orleans. Therefore, the Conferees recommend bill language directing the Corps to use $20,200,000, at full Federal expense, to reduce the risks of storm surge and storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, and to aid in the reduction of risk to both loss of life and damage to homes, businesses, and local infrastructure in the metropolitan area. The Corps is further directed to use these funds in the following manner: $10,100,000 to modify the Caernarvon Freshwater Diversion structure or its operations; and $10,100,000 to protect the shoreline along the Barataria Basin Landbridge in Jefferson Parish, Louisiana. Of the funds provided, at least $495,300,000 shall be available, consistent with cost sharing provisions, to raise levee heights and otherwise improve the existing Lake Pontchartrain and Vicinity and the West Bank and Vicinity projects.

Additional funds of $1,500,000 are provided to address storm damages to North Padre Island, Texas, caused by Hurricane Emily, and $2,000,000 is provided for Hawaii water systems technical assistance program.

In recognition of flood threats to the Sacramento area, the Conferees have included $7,100,000 for South Sacramento Streams, California, and $23,300,000 for the Sacramento Bank Protection Project, California. The Corps is further directed to use up to $400,000 of previously appropriated funds to continue the operation of the Chicago Sanitary and Ship Canal Demonstration Barrier.

The moratorium on the execution of project cooperation agreements contained in P.L. 109–275 shall not apply to continuing authorities program projects for which funding was provided, or is otherwise available, to fully fund the construction phase of the project. For those projects where the local sponsor's cost share will be lost due to the inability to sign a project cooperation agreement, the Corps may sign project cooperation agreements with the explicit consent of the House and Senate Committees on Appropriations. For any project for which an exception is made due to this circumstance, the local sponsors of such projects should be aware that the construction of the project remains contingent upon future appropriations which are not guaranteed.

Further, requirement that the Corps institute cost sharing for Sections 206 and 1135 projects was not intended to change the cost share structure of projects currently in the feasibility phase.

OPERATION MAINTENANCE

Funds totaling $3,200,000 are provided to restore Federal navigation channels and harbors along the Texas Gulf Coast to pre-storm conditions affected by Hurricane Katrina and other hurricanes of the 2005 season.

FLOOD CONTROL AND COASTAL EMERGENCIES

(INCLUDING RESCISSION OF FUNDS)

Funds totaling $3,145,024,000 are recommended to continue repairs to flood and storm damage reduction projects. These projects are to be funded at full Federal expense.

The Conferees provide the full request of $1,584,000,000 to replace all floodwalls within Orleans East Bank Algiers, Jefferson East Bank/St. Charles, Jefferson West Bank, New Orleans East, St. Bernard/Lower Ninth Ward, Belle Chasse/Algiers East hydraulic areas of the existing Lake Pntchartrain and Vicinity project and the existing West Bank and Vicinity project, not including lower Plaquemines Parish. However, the Conferees recognize this cost estimate is a ''worst case'' scenario and assumes the replacement of all flood walls. Therefore, the funds provided are contingent upon site-specific engineering assessment and analysis that determines replacement is necessary to maintain the integrity of the system. Further, these funds are not available for any other project, program, or activity without the approval of the House and Senate Committees on Appropriations.

The Conferees provide $530,000,000 for construction of permanent closures and pumping plants at the 17th Street, Orleans, and London Avenue Canals. Further, the Corps is directed to provide adequate temporary pumping capacity to evacuate expected flows from the existing pumping stations in the three drainage canals in order to minimize interior flooding.

Additionally, the Conferees include: $170,000,000 for levee and floodwall armoring; $350,000,000 to construct navigable closures on the Inner Harbor Navigational Canal, one near Seabrook and another on the Gulf Intracoastal Waterway; $215,000,000 for incorporation of non-Federal levees on the west bank of the Mississippi River in Plaquemines Parish in order to provide improved storm surge protection and to protect evacuation routes; $250,000,000 for storm proofing interior pump stations to ensure their reliability during hurricanes, storms and high water events; and $30,024,000 for repairs to non-Federal levees in Terrebonne Parish.

Within the funds provided, $16,000,000 shall be used to restore previously appropriated emergency funds for flood protection projects damaged in previous disasters in Pennsylvania. Funds for these projects were withdrawn shortly after Katrina struck the Gulf Coast to address immediate needs.

The Conferees also rescind $15,000,000 previously provided in P.L. 109–148 for the Grand Isle, Louisiana project. It is the Conferees' understanding that the project is not economically justified and therefore the funds appropriated to accelerate construction are no longer required.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The Conferees recognize that snowpack amounts in many areas of the Southwest are at historic lows and precipitation forecasts are not favorable for improving the situation. Runoff in many river basins in the West is expected to be one quarter of normal or less. The Conferees note that the communities of Ruidoso, Ruidoso Downs and Las Vegas, New Mexico, are already operating under stringent water restrictions.

Therefore, the Conferees have provided $9,000,000 for drought emergency assistance. The Conferees expect Reclamation to undertake drought contingency planning, to provide emergency potable water sources for eligible communities and to provide other drought emergency assistance within their authorities to help stricken communities.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2301. The conference agreement includes a provision related to the use of unexpended funds and waives the requirements of the Uniform Relocation Assistance and Real Property Act.

Sec. 2302. The conference agreement includes a provision that states that the funds provided in division B, chapter 3, Investigations, of Public Law 109–148 are not subject to any non-Federal cost sharing requirement and changes the amount contingent upon the enactment of a single levee board.

Sec. 2303. The conference agreement includes a provision that further defines the activities that can be undertaken in division B, chapter 3, Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, of Public Law 109–148.

Sec. 2304. The conference agreement includes a provision that modifies a provision in division B, chapter 3, Operations and Maintenance, of Public Law 109–148, concerning activities that can be undertaken along the Mississippi River-Gulf Outlet.

Sec. 2305. The conference agreement includes a provision to extend the duration of the National Erosion Control Development and Demonstration Program through September 30, 2006, and increase the cost limitation to $25,000,000 for section 227 of Public Law 104–303 in order to allow funds appropriated in the fiscal year 2006 Energy and Water Development Appropriations Act to be utilized for continuing projects.

Sec. 2306. The conference agreement includes a provision extending the Drought Relief Act through 2010.

Sec. 2307. The conference agreement includes a provision clarifying the availability of funds for the purposes of reprogramming actions.

Sec. 2308. The conference agreement includes a provision that prohibits the use of any funds in fiscal year 2006 through April 1, 2007 to affect bond repayment.

Sec. 2309. The conference agreement includes a provision relating to the Chicago Sanitary and Ship Canal Demonstration Barrier.

CHAPTER 4—DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide $2,000,000 for the Department of Homeland Security's Inspector General instead of $13,500,000 as proposed by the House for transfer to other federal departments and agencies and no funds as proposed by the Senate. Funds are available until September 30, 2007. Funding for federal departments and agencies is addressed in other chapters of this conference agreement.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The conferees agree to provide $12,900,000 as proposed by the House and the Senate for necessary expenses related to the consequences of the Gulf Coast hurricanes.

CONSTRUCTION

The conferees agree to provide $4,800,000 as proposed by the House and the Senate for necessary expenses related to the consequences of the Gulf Coast hurricanes.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conferees agree to provide $88,970,000 instead of $14,300,000 as proposed by the House and $90,570,900 as proposed by the Senate. Of this total, $7,350,000 is for cleanup and repair of damaged facilities; $7,400,000 for increased temporary logistics; $3,483,000 for basic housing allowances; and $70,000,000 for energy costs. In addition, the conferees have included bill language allowing transfers of up to $267,000 to the ''Environmental Compliance and Restoration'' appropriation for Coast Guard facilities in the Gulf Coast region and $470,000 to the ''Research, Development, Test, and Evaluation'' appropriation for additional costs to reposition the State of Maine vessel. Funds are available until September 30, 2007.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conferees agree to provide $191,730,000 instead of $80,775,000 as proposed by the House and $191,844,000 as proposed by the Senate. Of this total, $80,800,000 is for the reconstruction of the Integrated Support Command Center in New Orleans; $103,930,000 is for Katrina-related costs associated with materials, equipment, facilities and labor; and $7,000,000 is for the relocation of the Gulfport Coast Guard Station. The conferees direct the Coast Guard to ensure that the Defense Contract Audit Agency audits Katrina-related cost increases associated with pre-Katrina contracts. Funds are available until expended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

The conferees agree to provide $71,800,000 as proposed by the Senate instead of $70,000,000 as proposed by the House. Of this total, $70,000,000 is included for necessary expenses related to the consequences of the Gulf Coast hurricanes and $1,800,000 is included for the Office of National Security Coordination.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

The conferees agree to provide $10,000,000 for Preparedness, Mitigation, Response, and Recovery, as proposed by the House and the Senate. Of this total, $3,000,000 is included to immediately review and revise the National Response Plan (NRP) and the National Incident Management System (NIMS); $1,000,000 for the logistics management system; and $1,000,000 for the Enterprise Content Management System. FEMA is to brief the House and Senate Committees on Appropriations no later than 45 days from the date of enactment of this Act on the hiring initiatives to meet its staffing requirements and its staffing plan.

DISASTER RELIEF

The conferees agree to provide $6,000,000,000 for Disaster Relief, instead of $9,548,000,000 as

proposed by the House and $10,400,000,000 as proposed by the Senate. The conferees do not specify the purposes for these funds, except $400,000,000 of this amount is made available to carry out section 2403 of this chapter.

The conferees agree to include bill language proposed by the Senate that each county or parish eligible for assistance under the disaster declaration of September 24, 2005, will be treated equally for purposes of cost-share adjustments.

The conferees note the Department of Homeland Security (DHS), in conjunction with the Federal Emergency Management Agency (FEMA), recently issued interim policy guidance clarifying that charter schools are eligible for FEMA's Public Assistance Program. The conferees believe this policy should be quickly finalized so it can be distributed to FEMA officials throughout the country as expeditiously as possible, and encourage DHS and FEMA to continue working with the relevant Congressional committees on implementation of this policy.

The conferees concur with language proposed by the House regarding the weekly Disaster Relief Report and the lack of information regarding the assumptions DHS is using to estimate total disaster relief funding needed this fiscal year. Beginning immediately, the conferees direct DHS to include an explanation of the methodology used to calculate estimated yearly allocations by program area and program name. This explanation shall include the total yearly cost estimate, the amount allocated and obligated to date, and a written explanation of the assumptions and methodology used to estimate the total yearly cost.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide $279,800,000 to subsidize not to exceed $371,733,000 in loans for the Special Community Disaster Loans Program authorized in the Community Disaster Loan Act of 2005, P.L. 109–88, instead of $301,000,000 ($150,000,000 by transfer) as proposed by the House and $301,000,000 as proposed by the Senate. Of this total, $1,000,000 is included for administrative costs. The conferees include bill language proposed by the Senate specifying that loans may be equal to not more than 50 percent of the annual operating budget of the local government in cases where that government has suffered a loss of 25 percent or more in tax revenues due to Hurricanes Katrina or Rita.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2401. The conferees agree to include bill language as proposed by the House and Senate authorizing FEMA to pay for utility costs for those leases negotiated by State and local governments on FEMA's behalf.

Sec. 2402. The conferees agree to include bill language as proposed by the House and Senate amending P.L. 109–90 to allow the National Flood Insurance Fund to pay sufficient interest on the amounts the program has borrowed from the Treasury.

Sec. 2403. The conferees agree to include and modify bill language as proposed by the Senate allowing the Secretary of Homeland Security to consider eligible for funding the costs of alternative housing pilot programs in the areas hardest hit by Hurricane Katrina and other hurricanes of the 2005 season.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

The conference agreement provides $132,400,000 for ''Construction'', as proposed by both the House and the Senate, for cleanup and facility repair needs at National Wildlife Refuges related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season. The managers agree that the Service shall, as proposed by the House, repay funds that were transferred from projects that have yet to be completed. These funds were transferred on an emergency basis for initial hurricane response needs and must be repaid so that projects from which they were borrowed can be completed. A technical correction has been made to the repayment language proposed by the House.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

The conference agreement provides $43,000,000 for the ''Historic Preservation Fund'' instead of $3,000,000 as proposed by the House and $83,000,000 as proposed by the Senate. Of the funds provided, $3,000,000 is for Section 106 assistance and $40,000,000 is for disaster relief grants for the preservation, stabilization, rehabilitation, and repair of historic properties listed on or eligible for the National Register of Historic places, and for planning and technical assistance.

These funds are available for obligation until September 30, 2007, as proposed by the House, instead of being available until expended as proposed by the Senate.

As proposed by the Senate, funds for historic preservation grants are available for areas with a Presidential disaster determination associated with Hurricanes Katrina or Rita; are not subject to a non-Federal matching requirement; and no more than 5% may be used for administrative expenses.

The managers expect the National Park Service to award the Section 106 assistance funds to the States without any delay. Of the $3,000,000 available for Section 106 assistance, at least $1,500,000 shall be available for the Mississippi State Historic Preservation Officer. The remaining $40,000,000 is for grants to State Historic Preservation Officers (SHPOs) as described below.

The managers expect the National Park Service to award disaster relief grant funds to SHPOs in accordance with existing Historic Preservation Fund policies and procedures, except as modified herein, and only after a State has submitted, and the National Park Service has reviewed, an Action Plan Narrative that describes the major tasks to be undertaken with the supplemental grant funds. Each task statement shall describe the major services provided by the State Historic Preservation Officer, the problems to be addressed, a preliminary list of proposed projects and their estimated costs, and the expected results.

The National Park Service shall undertake its review of each plan and shall award funds as expeditiously as possible. Preference in making awards shall be given to plans that include: (1) properties located within designated National Heritage Areas; (2) owner-occupied houses; and (3) a demonstrated ability to spend the funds expeditiously. The managers intend that these funds be awarded with an emphasis on individuals who are committed to rebuilding their communities and who otherwise cannot afford the additional costs often associated with historic preservation.

No State shall receive more than 65% of the total available for these grants. There is a 5% limitation on administrative costs. Of the amount available for administrative expenses, up to $550,000 is available to the National Park Service to expedite awarding and oversight of the funds.

CONSTRUCTION

The conference agreement provides $55,400,000 for ''Construction'', as proposed by both the House and the Senate, for immediate cleanup and facility repair needs at National Parks related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $10,200,000 for ''Surveys, Investigations, and Research'', as proposed by both the House and the Senate, for facility and equipment repair needs related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $15,000,000 for ''Royalty and Offshore Minerals Management'' as proposed by both the House and the Senate. These funds are for costs associated with the temporary relocation of the Minerals Management Service's Gulf of Mexico regional office from Louisiana to Houston, Texas, including purchase of new equipment and temporary office arrangements, other disaster related expenses, and repayment of advances to other appropriation accounts from which funds were transferred for such purposes.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conference agreement provides $6,000,000 for ''Environmental Programs and Management'', as proposed by both the House and the Senate, for increased environmental monitoring, assessment, and analytical support necessary to protect public health during the ongoing recovery and reconstruction efforts related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

The conference agreement provides $7,000,000 for the ''Leaking Underground Storage Tank Program'', as proposed by both the House and the Senate, to assess the most immediate underground storage tank needs in areas affected by Hurricane Katrina and other hurricanes of the 2005 season and to initiate appropriate corrective actions.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

The conference agreement provides $20,000,000 for the ''National Forest System'' as proposed by the House instead of $50,000,000 as proposed by the Senate. As proposed by the House, these funds are only for necessary expenses of debris cleanup and related activities on National Forests affected by Hurricane Katrina and other hurricanes of the 2005 season.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $16,000,000 for the reconstruction of two Job Corps facilities in Gulfport, Mississippi and New Orleans, Louisiana. The Senate had proposed $32,000,000 and the House had no similar provision. The conferees instruct the Department to allocate $14,000,000 to the Gulfport facility and $2,000,000 to the New Orleans facility for repairs and rehabilitation of damage due to Hurricane Katrina.

DEPARTMENTAL MANAGEMENT

OFFICE OF INSPECTOR GENERAL

The conference agreement does not include a provision proposed by the Senate that provided $2,000,000 to the Department of Labor, Office of Inspector General, for hurricane-related expenses. The House bill did not include a similar provision.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

The conference agreement includes $4,000,000 to establish a communications network, including the purchase and operation of communications equipment, including satellite phones, for community health centers and those entities (including major medical centers and departments of public health) deemed by the state associations of community health centers to be critical in providing health care in the event of a future hurricane or other natural disaster in states affected by hurricane Katrina and other hurricanes of the 2005 season. Where they exist, state associations representing community health centers should be the primary recipient of these funds. The conferees expect this funding to be distributed by July 30, 2006 so that these systems can be in place as early as possible in the hurricane season. The Senate included $6,000,000 for this purpose. The House did not propose a similar provision.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $8,000,000 for mosquito and other pest abatement activities in states affected by the Gulf Coast hurricanes of 2005. The Senate bill proposed $20,000,000 and the House did not propose a similar provision. The conferees intend that these funds be distributed as grants to the eligible states and not be subject to the provisions of the Mosquito Abatement for Safety and Health (MASH) Act.

OFFICE OF THE SECRETARY

OFFICE OF INSPECTOR GENERAL

The conference agreement does not include a provision proposed by the Senate that provided $2,669,846 to the Department of Health and Human Services, Office of Inspector General, for hurricane-related expenses. The House bill did not include a similar provision.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

The conference agreement does not include a provision proposed by the Senate that provided $1,500,000 to the Department of Education, Office of Inspector General, for hurricane-related expenses. The House bill did not include a similar provision.

HURRICANE EDUCATION RECOVERY

The conference agreement includes $235,000,000 in additional assistance for displaced elementary and secondary school students for the 2005–2006 school year under the authority of the Hurricane Education Recovery Act. The Senate bill proposed $300,000,000 for this activity. The House bill had no similar provision.

The conference agreement does not include funding for schools serving displaced elementary and secondary school students in the 2006–2007 school year under the authority of part A of Title V of the Elementary and Secondary Education Act. The Senate bill proposed $350,000,000 for this activity. The House bill had no similar provision.

The conference agreement deletes a provision proposed by the Senate to create a loan program for institutions of higher education that were affected by the Gulf hurricanes. The House bill contained no similar provision.

The conference agreement includes $50,000,000 for grants to institutions of higher education to help defray the expenses incurred as a result of the Gulf hurricanes of 2005. The House bill contained no similar provision and the Senate bill included $30,000,000 for a similar purpose. The conferees request that the Department brief the House and Senate Committees on Appropriations not later than five days before the announcement of the availability of these funds.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $10,000,000 for the AmeriCorps National Civilian Community Corps. The Senate bill included $20,000,000 for this purpose. The House bill contained no similar provision.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

The conference agreement does not include a provision proposed by the Senate that provided $277,000 to the Social Security Administration, Office of Inspector General, for hurricane-related expenses. The House bill did not include a similar provision.

GENERAL PROVISIONS—THIS CHAPTER

DEPARTMENT OF EDUCATION—HURRICANE EDUCATION RECOVERY

The conference agreement deletes a provision proposed by the Senate to create a new loan program for institutions of higher education that were affected by the Gulf hurricanes. Funds are instead provided through a grant mechanism.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM

The conference agreement modifies a provision included by the Senate related to the Historically Black College and University Capital Financing Program. The House bill did not include a similar provision.

SUPPLEMENTAL ELEMENTARY-SECONDARY FUNDS OBLIGATION EXTENSION

The conference agreement includes bill language that extends the period of time States and local school districts have to spend funds made available under section 107 of the Hurricane Education Recovery Act. Neither House nor Senate bill included a similar provision. This provision provides the Secretary of Education with the authority to extend the period of availability of such funds up to September 30, 2006, provided that such expenditures are for the 2005–2006 school year as is required by the Hurricane Education Recovery Act.

USE OF SUPPLEMENTAL HIGHER EDUCATION ACT FUNDS

The conference agreement includes a provision proposed by the Senate regarding funding for the Mississippi Institutes of Higher Learning. The House bill did not include a similar provision.

SOCIAL SECURITY ADMINISTRATION

(TRANSFER OF FUNDS)

The conference agreement includes a provision proposed by the Senate transferring $38,000,000 from the Disaster Relief funds of the Federal Emergency Management Agency to the Social Security Administration for hurricane-related expenses. The House bill did not include a similar provision.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The conferees agree to provide $44,770,000 as proposed by both the House and the Senate. Funds are provided as follows:

Location	Project description	Request	Conference agreement
MS: Bay St. Louis	Seclusion Berthing	3,240,000	3,240,000
MS: NCBC Gulfport	Fitness Center	32,800,000	24,140,000
MS: NCBC Gulfport	Navy Exchange Complex and NEX/MWR Cold Storage Facilities	15,890,000	15,890,000
Worldwide: Unspecified	Planning and Design	1,500,000	1,500,000
Total		53,430,000	44,770,000

MILITARY CONSTRUCTION, AIR FORCE

The conferees agree to provide $97,300,000 as proposed by the House, instead of $103,500,000 as proposed by the Senate. Funds are provided as follows:

Location	Project description	Request	Conference agreement
MS: Keesler AFB	Base Exchange	40,000,000	40,000,000
MS: Keesler AFB	Consolidated Aircraft Maintenance Facility	29,000,000	29,000,000
MS: Keesler AFB	Fire Cash Rescue Station	19,600,000	19,600,000
MS: Keesler AFB	Library	5,500,000	5,500,000
Worldwide Unspecified	Planning and Design	17,140,000	3,200,000
Total		111,240,000	97,300,000

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide $330,071,000, instead of $67,800,000 as proposed by the House and $210,071,000 as proposed by the Senate. The conferees agree to rescind $120,000,000 from Public Law 109–148 and provide the same amount in this chapter to be used for the same purpose and projects as those identified in the conference report accompanying Public Law 109–148. Funds are provided as follows:

Location	Project description	Request	Conference agreement
LA: Hammond	Army Aviation Support Facility	67,800,000	67,800,000
LA: Jackson Barracks	Joint Forces HQs/USPFO	84,200,000	84,200,000
LA: Jackson Barracks	Readiness Center	51,600,000	51,600,000
Worldwide: Unspecified	Planning and Design	6,471,000	6,471,000
Worldwide: Various Locations	Projects provided in P.L. 109–148		120,000,000
Total		210,071,000	330,071,000

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conferees agree to provide $5,800,000 as proposed by both the House and the Senate. Funds are provided as follows:

Location	Project description	Request	Conference agreement
MS: CRTC Gulfport	Upgrade Storm Water System	600,000	600,000
MS: Key Field	Replace Medical Training Facility	4,700,000	4,700,000
Worldwide: Unspecified	Planning and Design	500,000	500,000
Total		5,800,000	5,800,000

MILITARY CONSTRUCTION, NAVY RESERVE

(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide $24,270,000 as proposed by both the House and the Senate. The conferees also agree to rescind $49,530,000 from Public Law 109–148 as proposed by both the House and the Senate. Funds are provided as follows:

Location	Project description	Request	Conference agreement
LA: NAS/JRB New Orleans	Command and Control Center	3,610,000	3,610,000
LA: NAS/JRB New Orleans	Crash/Fire/Rescue Station	7,360,000	7,360,000
LA: NAS/JRB New Orleans	Public Works Complex	12,600,000	12,600,000
Worldwide: Unspecified	Planning and Design	700,000	700,000
Total		24,270,000	24,270,000

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

The conferees agree to provide $585,919,000 for Construction, Major Projects, instead of $550,000,000 as proposed by the House and $623,000,000 as proposed by the Senate. The conferees agree that the funding provided includes $550,000,000 for construction of a medical facility in New Orleans, Louisiana. In addition, $35,919,000 is provided for debris removal and environmental cleanup of the former Department of Veterans Affairs Medical Center in Gulfport, Mississippi, and for any authorized purpose within this account.

In a report issued to Congress on February 28, 2006, the Department of Veterans Affairs identified its preference to rebuild the medical center in New Orleans as a ''shared facility'' with its academic partners. The conferees are supportive of this effort and encourage the Department to continue to work with its affiliates to develop the shared facility concept. However, the conferees caution the Department not to enter into any agreement in which it pays for more than its share in the name of collaboration.

RELATED AGENCY

ARMED FORCES RETIREMENT HOME

The conferees agree to provide $176,000,000 for construction of a new facility in Gulfport, Mississippi, as proposed by the Senate. The House bill contained no similar provision. The conferees note that cost estimates provided in a report to Congress on February 28, 2006, included significant expenses which should not be incurred for construction of a facility of this type and have adjusted the funding accordingly. The conferees have also included a general provision which consolidates $64,700,000 of previously appropriated funding which is to be used for this construction project. The conferees believe that the total funding available is sufficient to build a new replacement facility, fully compliant with all relevant laws, regulations, and standards for a retirement domicile, on the existing site in Gulfport, Mississippi.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conferees agree to include a provision (Sec. 2701), as proposed by the Senate, to waive a Federal funding limit on Guard and Reserve military construction projects appropriated in this chapter. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 2702), as proposed by the Senate, which allows funds previously appropriated for the Department of Veterans Affairs, Medical Services account, to be transferred to other accounts upon notification to the Committees on Appropriations of both Houses of Congress. The provision also extends the availability of the funds beyond the current fiscal year. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 2703), as proposed by the Senate, which directs the Secretary of the Department of Veterans Affairs to clean up and transfer property in Gulfport, Mississippi, to the city of Gulfport, Mississippi. The House bill contained no similar provision.

The conferees have not included a provision, as proposed by the Senate, which would authorize site acquisition and construction of medical facilities in New Orleans, Louisiana, and Biloxi, Mississippi. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 2704) which consolidates unobligated balances of the Armed Forces Retirement Home, to be used for the planning, design, and construction of a new facility in Gulfport, Mississippi, as proposed by the Senate. The conferees have modified the Senate proviso to this provision which designates the General Services Administration, in consultation with the Naval Facilities Engineering Command and the Armed Forces Retirement Home, as the agent for all matters with regard to planning, design, construction, and contract administration. The House bill contained no similar provision.

CHAPTER 8

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement provides $2,000,000 for General Legal Activities, as proposed by the House instead of $3,200,000 as proposed by the Senate. Funding is provided for the Criminal Division and Civil Division for expenses to investigate and prosecute fraud cases related to hurricanes in the Gulf Coast region.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement provides $6,500,000 for United States Attorneys as proposed by the Senate instead of $5,000,000 as proposed by the House. Funding is provided for expenses to investigate and prosecute fraud cases related to hurricanes in the Gulf Coast region.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement provides $118,000,000 under this heading, instead of no funding as proposed by the House and $1,135,000,000 as proposed by the Senate. In addition to the amount provided under this heading, language is included in chapter one of this title to transfer $38,000,000 from the United States Department of Agriculture to NOAA for reseeding, rehabilitation and restoration of oyster reefs.

The conferees remain concerned about the ongoing recovery efforts in the Gulf of Mexico and the previous lack of attention given to the critical need for mapping the Gulf waters for debris removal. In the wake of the

numerous hurricanes of 2005, which greatly disrupted the water in the Gulf of Mexico, all previous mappings of those waters are now inaccurate. To date the only areas within the Gulf of Mexico that have been remapped are the vessel channels to allow for safe passage of ships traveling through the many ports along the Gulf. The remainder of the Gulf of Mexico must also be mapped beginning with traditional fishing grounds in order to remove debris and begin the process of surveying stocks and reestablishing this element of the economy. Mapping and debris removal is a critical safety and security precaution necessary to prevent catastrophic accidents from occurring during the upcoming fishing and boating season.

The conference agreement provides $20,000,000 for the Office of Coast Survey to conduct scanning and mapping and coordinate with the Office of Response and Restoration for marine debris removal; $2,000,000 for the Center for Operational Oceanographic Products and Services to establish Physical Oceanographic Real-Time Systems along the Gulf of Mexico; $1,000,000 for the Center for Operational Oceanographic Products and Services to repair and replace tide gauge stations in the northern Gulf of Mexico; $90,000,000 for the National Marine Fisheries Service to provide technical assistance to States and industry for oyster bed and shrimp ground rehabilitation and to undertake cooperative research to monitor the recovery of Gulf fisheries; and not to exceed $5,000,000 to assist fishermen to recover from severe economic impacts due to fisheries disasters declared in 2005.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement provides $32,000,000 under this heading as proposed by the Senate, instead of $11,800,000 as proposed by the House.

The conference agreement provides $20,000,000 for the National Marine Fisheries Service to complete the repair and reconstruction of the NOAA science center.

The conference agreement also provides $12,000,000 for the Office of Marine and Aviation Operations to procure a replacement emergency response mapping aircraft and sensor package to continue NOAA's capability to provide information about hurricane damage.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

The conference agreement provides $35,000,000 for repair and rehabilitation requirements at the Stennis Space Center and the Michoud Assembly Facility related to the consequences of hurricanes of the 2005 season.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $542,000,000 for additional lending authority for the Small Business Administration's (SBA) disaster loan program, as proposed by the House and the Senate (excluding a transfer provision contained in both bills).

The conferees remain concerned about fluctuations in SBA's disaster lending subsidy estimates and will continue to monitor lending activity and expenditures. The conferees expect the SBA to provide weekly reports to the House and Senate Committees on Appropriations, the Senate Committee on Small Business and Entrepreneurship, and the House Committee on Small Business containing the following information on all open disaster declarations: number of loan applications received; number and amount of loans approved, denied, and disbursed; loan subsidy obligations; and the costs associated with administering the loan program (including salaries, travel, and information systems).

In light of the National Oceanic and Atmospheric Administration's prediction of a very active hurricane season for 2006, the conferees expect the SBA to build on the lessons learned from responding to numerous hurricanes during the 2005 season to ensure that the agency is better prepared for future disasters. The conferees expect that, no later than July 15, 2006, SBA shall submit to the House and Senate Committees on Appropriations, the Senate Committee on Small Business and Entrepreneurship, and the House Committee on Small Business a report on the status of the disaster response plan for the 2006 Atlantic hurricane season.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

The conferees agree to House and Senate language preventing the Secretary from issuing a final rule regarding foreign control of U.S. airlines for 120 days.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

The conferees agree to provide $702,362,500 for the Emergency Relief Program, instead of $594,000,000 as proposed by the Senate. The conferees direct that funds shall be used for eligible projects identified under ''Formal Requests'' in the Federal Highway Administration table entitled ''Emergency Relief Program Fund Requests Requests—updated 06/06/06'' with the exception of projects addressed in other provisions of this Act making amendments to Public Law 109–148 and otherwise funded in other appropriations Acts. The conferees include language that waives the $100,000,000 per State per disaster cap for damages caused by Hurricane Dennis and by the 2004–2005 winter storms in the State of California and provides that any excess amounts may be used for other eligible projects.

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of $702,362,500 of the unobligated balances of funds apportioned to the states under chapter 1 of title 23, United States Code, excluding safety programs and funds set aside within the state for population areas. The conferees direct the FHWA to administer the rescission by allowing each state maximum flexibility in making adjustments among the apportioned highway programs.

FEDERAL TRANSIT ADMINISTRATION

EMERGENCY ASSISTANCE FOR PUBLIC TRANSPORTATION

The conference agreement does not include $200,000,000 for emergency assistance for public transportation, as proposed by the Senate. The conference agreement includes provisions proposed by the Senate waiving the state funding match requirement and allowing funds to be used for operations as a general provision. The conferees did not agree to include a provision waiving other grant requirements as proposed by the Senate. The House did not include funds or recommend waivers.

The conferees note that the City of Baton Rouge has absorbed a very large number of citizens as a result of Hurricane Katrina resulting in a significant boost in the demand for transit services. The conferees recognize the community of Baton Rouge as having been directly impacted by Hurricane Katrina for the purpose of these transit waivers.

FEDERAL RAILROAD ADMINISTRATION

CAPITAL GRANTS FOR RAIL LINE RELOCATION

The conferees do not agree to provide $700,000,000 for capital grants for rail line relocation or make other amendments to title 49, United States Code, as proposed by the Senate.

RAILROAD RESEARCH AND DEVELOPMENT

The conferees agree to report language, as proposed by the Senate, expecting that funds previously appropriated for the Deployment of Safety Overlay Technology shall be allocated for the purpose of deploying train control technology for which the Federal Railroad Administration is currently considering a product safety plan.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

The conferees do not agree to provide $202,000,000, for Tenant-Based Rental Assistance, as proposed by the Senate. The conferees agree to report language, as proposed by the Senate, directing HUD to report within 180 days on the States' efforts to address the needs of the disabled, elderly, and homeless.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $5,200,000,000 for the Community Development Fund, as proposed by the Senate, instead of $4,200,000,000 as proposed by the House. The conferees agree that no state shall receive more than $4,200,000,000. The conferees further agree that not less than $1,000,000,000 shall be available on a pro-rata basis for the repair, rehabilitation, and reconstruction of affordable rental housing.

The conferees agree that of this amount, $12,000,000 is available for transfer to HUD's salaries and expenses account, of which $7,000,000 is for the administrative costs, including IT costs, of the KDHAP/DVP voucher program. The Senate proposed funds for this purpose under the Tenant-Based Rental Assistance account. The conferees agree that $9,000,000 is available for transfer to the Office of Inspector General. In addition, the conferees agree to transfer $6,000,000 to HUD's Working Capital Fund for the immediate enhancement of the capabilities of the Disaster Recovery Grant Reporting system by building additional electronic controls that will increase accountability while further decreasing the risk of fraud, waste, or abuse.

The conferees retain language as proposed by both the House and Senate, prohibiting the use of these funds by a State or locality as a matching requirement, share, or contribution for any other Federal program.

The conferees are aware that individuals with disabilities face unique challenges in finding accessible and affordable housing. As such, the conferees urge the states to work with HUD and the disabled community to ensure that these challenges are considered when states are developing and implementing Disaster Action plans. The conferees also urge HUD to take the necessary steps to inform the disabled community about the eligible uses of CDBG funding in addressing their needs.

INDEPENDENT AGENCIES

ELECTION ASSISTANCE COMMISSION

ELECTION ASSISTANCE

The conferees do not agree to provide $30,000,000 for the Election Assistance Commission, as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

The conferees agree to provide $37,000,000 for the Federal Buildings Fund, as proposed by both the House and Senate.

TITLE III—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

The conference agreement provides a total of $500,000,000 for emergency agricultural disaster assistance instead of $3,944,000,000 as proposed by the Senate. This assistance is targeted to counties located in the geographic area covered by a disaster declaration related to hurricanes Katrina, Ophelia, Rita, Wilma, or a related condition. In addition, counties that are contiguous to hurricane disaster counties are eligible for this assistance.

The conferees expect the Department of Agriculture to work with eligible individuals and entities to make payments under the authority of this Act, or from section 32 pursuant to the Secretary's May 10, 2006, announcement. The conferees encourage the Department to ensure that individuals or entities receive the higher benefit for which they are eligible.

Section 3011 of the conference agreement provides $40,000,000 to make assistance available to producers/processors of sugarcane in Florida that are located in hurricane affected counties and are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996. This section also provides $40,000,000 to make assistance available to producers/processors of sugarcane in Louisiana that are located in hurricane affected counties and are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996. In addition, this section provides $400,000 to provide assistance for hurricane losses for a farmer-owned sugarcane cooperative in Texas, including additional demurrage, storage and transportation costs of raw sugar resulting from hurricanes and related conditions during calendar year 2005.

Section 3012 of the conference agreement provides $95,000,000 for the Livestock Compensation Program, and $45,000,000 for the Livestock Indemnity Program. This section allows poultry and egg producers to receive assistance under this program. The conference agreement includes language that requires that all eligible applicants conduct an agricultural operation that is physically located in a hurricane-affected county.

Section 3013 of the conference agreement provides $95,000,000 to provide assistance to specialty crops and nursery crops in hurricane affected counties. This assistance shall be carried out under the same terms and conditions as the assistance that was provided in certain areas of Florida due to hurricanes Charley, Frances, and Jeanne.

Section 3014 of the conference agreement provides $17,000,000 to assist dairy producers who experienced spoilage losses and are located in hurricane-affected counties.

Section 3015 of the conference agreement provides $15,000,000 to assist producers and first-handlers of the 2005 crop of cottonseed. The conference agreement includes language requiring that all eligible applicants must be located in hurricane-affected counties.

Section 3021 provides a definition for the term ''tree'', and directs that the Secretary provide assistance under the tree assistance program established under sections 10201–10203 of the Farm Security and Rural Investment Act of 2002. The conference agreement includes language requiring that all eligible applicants must be located in hurricane-affected counties. The estimated cost for this provision is $35,000,000.

Section 3022 provides an additional $100,000,000 for the Emergency Forestry Conservation Reserve Program for recovery efforts in hurricane-affected counties.

Section 3023 of the conference agreement includes language to provide clarification to the Secretary on the implementation of the Emergency Forestry Conservation Reserve Program.

Section 3031 provides $9,600,000 to cover administrative costs incurred by the Farm Service Agency directly related to carrying out disaster assistance.

Section 3032 provides flexibility for the implementation of section 32 funds that were announced by the Department of Agriculture on May 10, 2006 for aquaculture producer grants. The estimated cost for this provision is $8,000,000.

Section 3033 designates the funds made available in this title as an emergency.

Section 3034 includes provisions waiving certain rulemaking procedures and paperwork reduction requirements.

While the assistance provided by this title is limited to producers in areas affected by Gulf Coast hurricanes in 2005, the conferees fully recognize the losses suffered by farmers, ranchers, and rural communities in all parts of the nation. At such time as may be reasonably determined by the Secretary, the conferees direct the Department to apply any unused funds from this title, and any unused funds from the May 10, 2006 announcement (71 Fed. Reg. 27188) relating to 2005 Section 32 Hurricane Disaster Programs to respond to disaster-related events including wildfires in Texas and other states, drought, flooding in Hawaii and other states, and other natural disasters.

TITLE IV—PANDEMIC FLU

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $2,300,000,000 to prepare for and respond to an influenza pandemic, the same overall funding level as proposed by the Senate. The House bill did not include a similar provision.

The conference agreement includes provisions proposed by the Senate giving the Secretary various authorities to purchase goods for the stockpile, enter into contracts for antivirals, construct or renovate privately-owned buildings, and transfer funds to other HHS accounts.

Within the total provided, the conference agreement includes $30,000,000 to be transferred to the United States Agency for International Development (USAID) for activities related to international surveillance, planning, preparedness, and response to the avian influenza virus. Neither the House nor the Senate included a similar provision.

The conferees intend that all federally-funded international surveillance, preparedness, and response activities be planned and implemented in a coordinated manner to maximize the chances of early detection of potential pandemics. The conferees expect HHS, the Centers for Disease Control and Prevention (CDC), and USAID officials to coordinate their international pandemic-related activities at all levels by maintaining frequent contacts at the senior leadership, program management, and on-the-ground personnel levels. The conferees direct HHS and USAID to submit a joint report to the appropriate House and Senate Appropriations subcommittees, within six months of enactment, which details their international surveillance, preparedness, and response activities and describes the manner in which they have been coordinated.

Within the total provided, the conferees have set aside $250,000,000 for state and local preparedness activities. The Senate included $300,000,000 for state and local capacity and the House did not include a similar provision. The conferees recognize that state and local public health departments play essential roles in responding to influenza outbreaks, including implementation of necessary epidemic containment measures, provision of services to homebound and disabled populations, distribution and redistribution of available antiviral medications and vaccines to high priority populations, and coordination with all other local medical and emergency response authorities. Therefore, the conferees encourage the Department to assure that distribution of pandemic influenza funds and all aspects of Federal pandemic influenza planning are consistent with operational realities at the local level and will have the intended public health results when implemented locally. The conferees further urge the Department to assure that all aspects of its pandemic influenza planning and preparations avoid duplication and inconsistency with other Federal directives affecting public health preparedness.

The conferees understand that State and local public health officials must be prepared to coordinate large-scale vaccination efforts in the case of a pandemic influenza outbreak. Therefore, the conferees encourage State and local public health departments to conduct local mass immunization exercises using seasonal flu vaccine.

Within the funds provided for upgrading state and local capacity, funds may be used for regional training meetings bringing together several states. These funds may also be used, if determined necessary by the director of CDC, to enhance flu program planning efforts and the existing preparedness training network at the established CDC centers for public health preparedness and other accredited schools of public health.

Within the total provided, the conference agreement includes $200,000,000 for CDC. These funds are intended to augment the fiscal year 2006 appropriation and expand and enhance on-going activities related to global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response, and quarantine. The Senate proposed a total of $250,000,000 for these activities within CDC, but included two separate provisos. The House did not include a similar provision.

The conference agreement does not include $5,000,000 as proposed by the Senate for the Smithsonian Institution to carry out domestic disease surveillance. The House did not include a similar provision.

The conferees are aware of the Department's plan to subsidize ''up to'' 25 percent of the cost of 31,000,000 courses of anti-virals. The conferees note that the bill language authorizing this subsidy is flexible and does not require, nor limit, the amount of the subsidy. The conferees encourage the Secretary to consider subsidizing these purchases beyond 25 percent for States whose finances have been severely affected by Hurricane Katrina and other hurricanes of the 2005 season. The conferees believe that access to life-saving drugs should be based on public health need, not the finances of the State in which an individual resides.

FUNDING FOR PANDEMIC INFLUENZA VACCINE INJURY COMPENSATION

The conference agreement does not include $289,000,000 for a pandemic influenza vaccine compensation fund as proposed by the Senate. The House did not propose a similar provision.

TITLE V—BORDER SECURITY

DEPARTMENT OF DEFENSE—MILITARY

CHAPTER 1

BORDER SECURITY INITIATIVE

The conference agreement recommends $708,000,000, instead of $756,000,000 as proposed by the Administration, for the Department of Defense to fund the incremental military personnel and operation and maintenance costs of deploying up to 6,000 National Guard personnel to the U.S. border for one year in support of the Department of Homeland Security.

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days after the end of each fiscal quarter detailing the transfers of funds provided in this chapter until funds provided in this chapter are no longer available for transfer. The conferees direct that the report shall include: a detailed accounting of obligations and expenditures of appropriations to which funds are transferred by appropriation account, program, and subactivity group; and a listing of equipment procured using funds provided in this chapter.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement deletes a provision, as proposed by the Senate, which reduced funds for Department of Defense—Military in this Act by $1,908,000,000.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

The conferees agree to provide $1,172,000,000 for border security and immigration enforcement programs within the Department of Homeland Security as requested by the President on May 18, 2006, instead of $1,900,000,000 as proposed by the Senate and no funds as proposed by the House. Funds are available until September 30, 2007.

CHAPTER 3

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement provides $9,000,000 for Administrative Review and Appeals, Executive Office of Immigration Review to meet additional caseload requirements resulting from increased border enforcement efforts of the Department of Homeland Security.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement provides $9,000,000 for the Civil Division's Office of Immigration Litigation to meet additional caseload requirements resulting from increased border enforcement efforts of the Department of Homeland Security.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement provides $2,000,000 for United States Attorneys to prosecute additional cases in support of increased border enforcement efforts of the Department of Homeland Security.

PORT SECURITY ENHANCEMENTS

The conferees do not include supplemental appropriations totaling $648,050,000 for port security enhancements as proposed by the Senate. The House proposed no similar funding.

TITLE VI

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

The conference agreement includes $27,600,000, to remain available until September 30, 2011, for the Architect of the Capitol, Capitol Power Plant, to make improvements in the utility steam tunnels, as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

The conference agreement includes section 7001 regarding the availability of funds in this Act. The House proposed identical language as section 3001, and the Senate proposed identical language as section 9001.

Sec. 7002. The conference agreement includes a provision for Department of Defense—Military, as proposed by the House and Senate, concerning funds for intelligence related activities.

Sec. 7003. The conference agreement includes a provision for Department of Defense—Military, as proposed by the Senate, which makes a technical correction to section 8044 of the fiscal year 2006 Department of Defense Appropriations Act concerning the Office of Economic Adjustment.

The conference agreement does not include a provision for Department of Defense—Military, as proposed by the Senate, concerning mortuary affairs. The conferees have been advised that the Armed Services Committees in the House and Senate plan to address the Department of Defense mortuary affairs procedures in the fiscal year 2007 National Defense Authorization Act. The conferees encourage the Department to complete a thorough review of procedures to preserve and expeditiously return the bodies of American military casualties to their families and loved ones. Further, the conferees encourage the Department to continue to improve casualty assistance procedures in support of survivors of military decedents.

Sec. 7004. The conferees agree to rescind $20,000,000 from lapsed fiscal year 2005 balances, instead of $43,620,000 from unobligated balances available in the Immigration and Customs Enforcement Automation Modernization account as proposed by the House and no rescission as proposed by the Senate. The conferees direct the Secretary of the Department of Homeland Security to report to the Committees on Appropriations of the Senate and House of Representatives within fifteen days after enactment of this Act on the proposed distribution of the rescission of funds prior to its implementation pursuant to section 504 of Public Law 108–334. This report should specifically list the respective amount proposed to be rescinded by agency and appropriations account, and explain the original purpose of the appropriation and the reason why such funds are available.

The conferees agree to provide $20,000,000 for United States Secret Service Salaries and Expenses, instead of $43,620,000 as proposed by the House and no appropriation as proposed by the Senate. Of this total, $18,000,000 is provided to restore a shortfall in overtime expenses, and $2,000,000 is provided for the purchase of critical equipment.

Sec. 7005. The conferees agree to rescind $3,960,000 from Office of Screening Coordination and Operations and reappropriate these funds to the Office of Policy within the Office of the Secretary and Executive Management, as proposed by the Senate. The House bill had no comparable provision.

Sec. 7006. The conferees agree to strike Section 528 of Public Law 109–90.

Section 7007 extends the authority for collection of fees, under the Surface Mining Control and Reclamation Act of 1977, through September 30, 2007, as proposed in section 9016 of the Senate bill. These fees are paid by coal producers and are subsequently appropriated for reclamation of abandoned mines.

The conference agreement does not include language, proposed in section 9015 of the Senate bill, providing an additional $500,000 to the U.S. Geological Survey for assistance with assessments of critical reservoirs and dams.

The conference agreement does not include language, proposed in section 9036 of the Senate bill, providing an additional $1,000,000 to the Environmental Protection Agency for assistance relating to assessments and monitoring of waters in the State of Hawaii.

HHS—LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement does not include a provision proposed by the House that permitted the allocation of emergency funds provided under section 9001(a)(2) of the Deficit Reduction Act of 2005 to be available during the remainder of fiscal year 2006 and fiscal year 2007. The Senate did not include a similar provision.

DEPARTMENT OF LABOR—OFFICE OF JOB CORPS

The conference agreement deletes without prejudice language proposed by the Senate to prohibit the implementation of Secretary's Order 09–2006. The House had no similar provision. The conferees direct the Department to implement Section 102 of Public Law 109–149 retaining in the Job Corps those program functions previously administered by the Job Corps prior to the transfer and to ensure the support necessary for oversight and management responsibilities.

The conferees further expect that, although the Office of Assistant Secretary for Administration and Management will oversee the procurement process, this arrangement shall not alter the existing authorities, duties, or activities of Job Corps as it existed prior to the transfer. The Office of Job Corps and the Assistant Secretary for Administration and Management are directed to maintain controls to assure the procurement activities are completely separate from program operations. Further, the Department is directed to report to the Committees on Appropriations in the House and Senate by August 30, 2006 on steps necessary to establish a unified chief procurement officer with responsibilities for all procurement activities in the Department. The report shall include the comments and recommendations of the Department's Inspector General.

DEPARTMENT OF LABOR—MINE SAFETY

Sec. 7008. The conference agreement includes $25,600,000 as proposed by the Senate for hiring of additional inspectors, including their training and equipment, to increase coal mine enforcement. The House had no similar provision. Funds are designated as emergency and are made available for two years. The conferees instruct the Department to include a plan for the allocation of funds in the first report to the House and Senate Committees on Appropriation and the House and Senate authorizing committees, due on July 15, 2006.

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Sec. 7009. The conference agreement includes a provision that extends the funding availability for a fiscal year 2001 Congressional project until September 30, 2009. The Senate included a similar provision, but extended the availability of funding until expended. The House did not propose a similar provision.

CENTERS FOR DISEASE CONTROL—MINE SAFETY

Sec. 7010. The conferees include $10,000,000 for the National Institute for Occupational Safety and Health for research to develop mine safety technology, as proposed by the Senate. The House had no similar provision.

RAILROAD RETIREMENT BOARD

Sec. 7011. The conference agreement includes a provision proposed by the Senate to

modify the dual benefit payments language contained in P.L. 109–149. The House had no similar provision.

HEAD START REGULATIONS EFFECTIVE DATE

Sec. 7012. The conference agreement includes a provision proposed by the Senate extending the effective date of a Head Start transportation regulation from June 30, 2006, to December 30, 2006. The House bill did not include a similar provision.

EMPLOYMENT AND TRAINING ADMINISTRATION

Sec. 7013. The conference agreement includes a provision limiting compensation from federal funds to a rate not greater than Executive Level II for any recipient or subrecipient receiving funds under the heading, ''Employment and Training Administration'', similar to a provision proposed by the Senate. The House had no similar provision. The provision has been modified to include prior year funds that have yet to be expended.

SEGAL AMERICORPS EDUCATION AWARD

Sec. 7014. The conference agreement amends a provision included by the Senate to name the AmeriCorps education award as the ''Segal AmeriCorps Education Award. The conference agreement further amends the provision to make the name change permanent. The House bill did not include a similar provision.

SINGLE HOLDER RULE REPEAL AND CONSOLIDATION INTO DIRECT LENDING

Sec. 7015. The conference agreement includes a provision repealing the ''single holder rule'' related to consolidated student loans and permitting consolidation loans under direct lending. Neither the House bill nor the Senate bill contained a similar provision.

The conferees agree to include a provision (Sec. 7016) as proposed by the Senate, to amend the authorization for a military construction project in Georgia. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 7017), as proposed by the Senate, to amend the authorization for a military construction project in Hawaii. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 7018) to amend a limitation on the total cost of military construction projects carried out by Defense agencies, to conform with provisions agreed to regarding military construction projects in Georgia and Hawaii. The House bill and Senate bill contained no similar provision.

The conferees agree to include a provision (Sec. 7019) as proposed by the Senate, to amend the authorization for a military land purchase in North Carolina. The House bill contained no similar provision.

The conferees do not agree to include a provision as proposed by the Senate to change the use of military construction funds provided in the fiscal year 2006 Appropriations bill. The House bill contained no similar provision.

The conference agreement includes language under section 7020 making a technical correction regarding Community Oriented Policing Services.

The conference agreement includes language under section 7021 making a technical correction regarding the National Aeronautics and Space Administration.

The conference agreement includes language under section 7022 making} technical corrections regarding the Small Business Administration.

Sec. 7023. The conferees agree to a provision, as proposed by the Senate, amending Public Law 109–148 regarding the repair and reconstruction of the I–10 bridge in Louisiana.

Sec. 7024. The conferees agree to a provision, as proposed by the House, making technical changes to transit grant funds awarded to the New York City Department of Transportation.

Sec. 7025. The conferees agree to a provision, as proposed by the Senate, waiving the Federal matching share requirements for Federal transit assistance programs; allowing recipients to use funds for operating assistance; and canceling this authority for the Secretary in 2 years, unless a compelling need exists.

Sec. 7026. The conferees agree to a provision, as proposed by the Senate, adjusting the Department of the Treasury travel cap for certain offices.

Sec. 7027. The conferees agree to a provision, as proposed by the Senate, authorizing intelligence activities funded through the Departments of Justice and Treasury for fiscal year 2006.

Sec. 7028. The conferees agree to a provision, as proposed by both the House and Senate, expanding the households eligible for assistance to include HUD assisted project-based multifamily properties and waiving the requirements of Section 8(o)(7)(A) of the United States Housing Act of 1937 to enable HUD to establish voucher leases for 18 months.

Sec. 7029. The conferees agree to a provision amending Public Law 109–115 with regard to tenant-based rental assistance.

Sec. 7030. The conferees agree to a provision, as proposed by the House, making a technical correction to the list of economic development grants in Public Law 109–115.

Sec. 7031. The conferees agree to modify a provision, as proposed by the Senate, making technical corrections to economic development grants in Public Law 108–199.

Sec. 7032. The conferees agree to modify a provision, as proposed by the House, making technical corrections to economic development grants in Public Law 108–447.

Sec. 7033. The conferees agree to modify a provision, as proposed by the House, making technical corrections to economic development grants in Public Law 109–115.

Sec. 7034. The conferees agree to a provision, as proposed by the Senate, allowing for the transfer of real property to the City of Crosby, North Dakota, from GSA.

The conference agreement does not include section 9026 of the Senate bill regarding detail authority for the Department of Transportation.

The conference agreement does not include section 9028 of the Senate bill preventing the Secretary from issuing a final rule regarding foreign control of U.S. airlines.

The conference agreement does not include section 9037 of the Senate bill amending project number 4651 in section 1702 of SAFETEA–LU.

The conference agreement does not include section 9040 of the Senate bill amending section 1940 of SAFETEA–LU.

The conference agreement does not include section 9041 of the Senate bill regarding nonconforming signs.

The conference agreement does not include section 3013 of the House bill regarding registered and legal voters.

The conference agreement includes a provision (Sec. 7035) establishing discretionary spending allocations for the Committee on Appropriations of the Senate for fiscal year 2007.

The conference agreement does not include section 3011, as proposed by the House, regarding the prohibition of funds for the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World. The decision by Dubai Ports World to transfer operations of United States ports to a United States entity makes such language unnecessary. The Senate did not propose similar language.

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution agreed to by Congress for fiscal year 2006, and both the House and Senate versions of the fiscal year 2007 budget resolution, include provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions meet the criteria for emergency spending identified by the budget resolutions.

The conference agreement on this bill contains emergency funding for fiscal year 2006 that is related to the global war on terror and hurricanes in the Gulf Coast region, and such spending is identified throughout the conference report. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the global war on terror in the aftermath of 9/11, and the devastating hurricanes of 2006. These events fit the specific criteria for emergencies.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, comparisons to the 2006 budget estimates, and the House and Senate bills for 2006 follow:

(In thousands of dollars)

Budget estimates of new (obligational) authority, fiscal year 2006	92,220,585
House bill, fiscal year 2006	91,947,581
Senate bill, fiscal year 2006	108,897,907
Conference agreement, fiscal year 2006	94,429,554
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2006[1]	+2,208,969
House bill, fiscal year 2006	+2,481,973
Senate bill, fiscal year 2006	−14,468,353

[1] Including future-year spending in Title III (Emergency Agricultural Disaster Assistance) of $91,000,000, the increase above the budget estimates equals $2,300,000,000, which is equal to the amount provided in Title IV for costs related to pandemic flu.

JERRY LEWIS,
C.W. BILL YOUNG,
RALPH REGULA,
HAROLD ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
HENRY BONILLA,
JOE KNOLLENBERG,
JOHN P. MURTHA,
MARTIN OLAV SABO,
ALAN B. MOLLOHAN,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOHN W. OLVER,
CHET EDWARDS,
Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
WAYNE ALLARD,
ROBERT C. BYRD
(except Deeming Resolution),
DANIEL K. INOUYE,
TOM HARKIN
(except Deeming Resolution),
BARBARA A. MIKULSKI
(except Deeming Resolution),
HARRY REID
(except Deeming Resolution),
HERB KOHL
(except Agriculture Disaster and Deeming Resolution),
PATTY MURRAY
(except Deeing Resolution and Veterans Funding)
BYRON L. DORGAN
(except Agriculture Disaster),
DIANNE FEINSTEIN,
TIM JOHNSON
(except Agriculture Disaster),
MARY L. LANDRIEU,
Managers on the Part of the Senate.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 6, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House U.S. House of Representatives, H-232 The Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find the resolutions approved by the Committee on Transportation and Infrastructure on May 17, 2006, in accordance with 40 U.S.C. 3307.

Sincerely,

DON YOUNG,
Chairman.

LEASE—FEDERAL BUREAU OF INVESTIGATION INFORMATION TECHNOLOGY FACILITY, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 136,800 rentable square feet for the Federal Bureau of Investigation—Information Technology Facility, at a proposed total annual cost of $4,788,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—UNITED STATES ARMY SOUTHERN COMMAND, MIAMI, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 708,597 rentable square feet and 2,874 outside parking spaces for the United States Army Southern Command, at a proposed total annual cost of $22,675,104 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution, except for the execution of an interim lease.

LEASE—FEDERAL BUREAU OF INVESTIGATION WASHINGTON, DC METROPOLITAN AREA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 180,000 rentable square feet of space and 30 outside parking spaces for the Federal Bureau of Investigation in the Washington, DC Metropolitan Area, at a proposed total annual cost in Washington, DC of $8,460,000, Northern Virginia of $6,300,000, or Maryland of $5,760,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2048, the Motor Vehicle Owners' Right to Repair Act.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 2048.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Ms. DEGETTE. Mr. Speaker, I too ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2048.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Mr. MARKEY. Mr. Speaker, I rise with grateful appreciation if unanimous consent could be granted by you and by the other Members of this House that I have my name withdrawn as a cosponsor of H.R. 2048.

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

There was no objection.

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.

EVOLUTION OF HIV/AIDS

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

Ms. PELOSI. Mr. Speaker, this week we recognize that 25 years ago in San Francisco doctors saw a disease that did not yet have a name with symptoms that hearkened back to the Middle Ages. Some manifestations of the disease were lesions, pneumonia, infections. Within 5 years, we were losing so many, many friends to AIDS that we would often go to two funerals in one day. A whole generation of young people went to more funerals than birthdays. We had too many friends who we held in our arms at the end of their lives that felt like a bag of bones more than the muscular young people they had been. There was so much, first of all, a lack of information and then fear of what became known as HIV/AIDS.

Nineteen years ago, it was this week I came to Congress to be sworn in. And my first sentence was, I am here from San Francisco and I have come to fight against AIDS. Actually, what I said is, Sala Burton sent me here to fight against AIDS. She was my predecessor. People asked me, why would you say that? You don't want to be labeled that way. That is the way AIDS was viewed at the time. But that was why I came here, and I said that from day one.

Because San Francisco had suffered the most, we now had an opportunity

to be a model for America and eventually the world, a model for leadership, for community-based solutions, and for intervention. We got to work right away, working with many of my colleagues, Congressman WAXMAN in the lead on our Banking Committee; Congressmen MCDERMOTT, SCHUMER and FRANK working on our Housing Opportunities With People With Aids; Congresswoman, now Senator, BOXER, again, working with Congressman WAXMAN creating the Ryan White CARE Act to provide health care and support services for people with HIV and AIDS.

Just as this was all going on, at the very beginning of my tenure in Congress, I measure things that way, a gentleman named Cleve Jones from San Francisco came to me and said we want to have a press conference at your home to announce something called the Names Project. What that would be is that people would make a patch for a giant quilt in honor of a friend, a family member, a loved one who had died of AIDS.

I, being the mother of five and taught to sew in my Catholic school upbringing, said, Sew? Nobody's going to sew. Nobody sews anymore. I have four daughters and one son. I don't sew and I know how to sew. But I was wrong and he was right. And what started that day as us taking a few stitches with then-mayor of San Francisco Art Agnos and Cleve Jones turned into this giant Names Project that has been displayed on the Mall here in Washington. It is indeed a wonder of the world.

Sadly, though, as the quilt grew, so did the recognition of the many lives that were taken or lost from HIV and AIDS.

□ 2215

Next in San Francisco, we created the AIDS Memorial Grove and then designated a national memorial to the thousands of Americans who have died of AIDS. It was really a remarkable thing in our city of San Francisco. Although the numbers were staggering, every diagnosis was an individual one and a personal one, and we had to measure the success of what we were doing as to what it meant to the lives of each person infected with HIV or to the next stage of AIDS.

We recognized that if we were going to have an appropriate response to AIDS, that it had to be international, and thus was started by Paul Boneberg, a person in San Francisco, The International Mobilization Against AIDS. This was many years ago.

Fast forward to now. This year, we have an essential responsibility to continue these efforts by reauthorizing the Ryan White Care Act and then supporting what works by making serious investments in it.

Twenty-five years ago when we heard about the symptoms that would become known as AIDS, and 19 years ago when I first came to Congress, I never thought that we would be standing here today without a cure. Five years from now, on the 30th anniversary, I pray that we can say that AIDS is a terrible, terrible memory; that we have prevented deaths, ended the epidemic, and found a cure. This is especially true not only in our country but throughout the world where many children are affected by the deaths of their parents, being orphaned, and by their own infections as well.

With a group of my colleagues, I visited South Africa and other countries in Africa, but particularly in South Africa we visited the AIDS clinic and saw the important work that was being done there on that continent. It is taking a terrible toll in terms of lives and hopes and dreams and aspirations. I hope that we will soon be able to say that AIDS taught us how to love each other more but that we will never see it again.

Again, I call to the attention of my colleagues the 25th anniversary of the first diagnosis of AIDS, and hope that a cure will be right around the corner.

TAX CUTS PROVIDE BOOST TO ECONOMY

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. Tonight, Mr. Speaker, I think it is important that we address our agenda as Republicans, and what we have done as a majority in this House. We have controlled both the House, the Senate, and the White House.

Mr. Speaker, the American people and my constituents, in particular, have been asking, what have you done? What have you achieved for us? And I want to tell you tonight the center of what we have achieved as Republicans, Mr. Speaker, is an economic growth that has been unrivaled in our Nation's history, and at the center of that economic growth are tax cuts. Those tax cuts have fueled our economic recovery over the last 6 years.

Mr. Speaker, Republican tax cuts have made an enormous difference. And let us talk about this. One hundred eleven million American taxpayers have seen their taxes decline by an average of $1,877, and for the average family that is real money. Here in Washington, D.C. they spend that in a minute, but at home in my district, in Cherryville, North Carolina, that is real money. That is real money for an American family, a family in Cherryville or in Hickory or in Morrisville, to spend on textbooks, clothes, maybe even a vacation, Mr. Speaker. That has fueled our economic recovery, the fact that the American people have more in their own pocket now than they did 6 years ago.

I will also say that a family of four earning $40,000 received a tax relief because of President Bush's tax cuts and Republican leadership in the House, they have received a tax cut of $2,010 per year, Mr. Speaker. That is for a family of four making $40,000 a year. That is a wonderful, wonderful thing that we have allowed the American people to keep more of what they earned.

Well, what we are trying to do now, what this Republican Congress is trying to do with the help of our President is not only extend the tax cuts, which I am very proud that we were able to enact just a few weeks ago; we extended the President's tax cuts for 2 more years, but to make it permanent. And what would making those tax cuts permanent do for the American people? Well, in my State of North Carolina, between now and 2014 we would produce 22,000 new jobs because of extending and making permanent the President's tax cuts.

Our annual GDP would grow by over $111 billion higher, after inflation, if we make the President's tax cuts permanent. Personal savings will grow by $163 billion per year on average over the next decade if we make the President's tax cuts permanent. And personal income will grow in the State of North Carolina on average by $4,000 a year. Disposable income, that is, Mr. Speaker. And beyond that, we are going to see the economy continue to grow if we are able to extend these tax cuts, and a strong economy will spread prosperity more evenly throughout our economy, and that is very important. The American people having more money in their pocket is a very vital thing. That is a very vital thing.

Now, my colleagues on the other side of the aisle have been four square against this. Why? They think of government solutions as the only alternative, Mr. Speaker. And I would say that it is important that we come together as a body and say that reducing the size and scope of government is a good thing. Now, my colleagues on the other side of the aisle have stood in the way of progress in terms of tax cuts. Most of them, a majority, have opposed tax cuts here on this House floor, not just for the last 5 or 6 years during the President's term, but over the course of the Republican majority for the last 12 years. Why Mr. Speaker? Because they want more revenue for government. They want government to expand.

Beyond that, Republicans have worked very hard at growing this economy in other ways. Not only have we cut taxes which has led to greater economic growth, but we are trying to increase the supply of oil, gasoline, and natural gas for all Americans, and look at alternative energies. And the Democrats have stood in our way in terms of energy policies as well. And I would encourage them to join with the Republican majority and do what is right, expand our energy supply and continue to cut taxes.

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.)

RECOGNIZING THE YOUNGSTOWN CONNECTION

Mr. RYAN of Ohio. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of the Youngstown Connection. This group of exceptional students from the Youngstown city schools serves as ambassadors of our valley throughout the Nation and the world.

The Youngstown Connection is comprised of 12 high school students from Youngstown city schools. They are skilled in all areas of the performing arts including theater, dance, and music.

The talents of the Youngstown Connection have been showcased at National venues, including the Kennedy Center and the Washington National Cathedral in Washington, D.C., the Lincoln Center, and the Macy's Thanksgiving Day parade in New York City. Across the globe they have performed at the World War II D–Day commemorations in Normandy, Paris, and London, Austria's Millennial Celebration of Music in Vienna, and the Berlin Wall Freedom Celebration in cities throughout Germany.

Many of the students come from a variety of socioeconomic backgrounds, and through the Youngstown Connection they are able to explore opportunities they may not have otherwise been granted.

It has been widely reported, Mr. Speaker, that students of the arts continue to outperform their peers who for one reason or another have not taken courses in the arts. According to the College Entrants Examination Board, in 2005 SAT scores of students with coursework or experience in the arts scored between 25 and 65 points higher in the verbal section and an average of 28 points higher in the math section than those with no arts coursework. 100 percent of Youngstown Connection students graduate from high school, and 97 percent go on to graduate from college. The focus, the discipline, and the motivation the students gain throughout these experiences in the Youngstown Connection remains with them throughout their lives.

Today, Mr. Speaker, several alumni of the program are at the top of their career fields, including several professional performers. Lawrence Brownlee, who went on to gain a Master of Music degree from Indiana University, is an opera singer who is considered one of the top young tenors in the entire world. He has performed in every major opera house worldwide and currently has a contract with the Metropolitan Opera. Another Youngstown Connection alumnus, Timothy Gordon, is a professional dancer and teacher in New York who has performed with, amongst others, Alicia Keys. Three former alumni are currently pursuing Ph.D.'s from universities across the country in fields such as cancer and heart research.

Mr. Speaker, all children in every school need the same opportunities as these kids. Imagine the potential that could be unleashed across the country. Let us give these kids the opportunity that they deserve. These students learn the value of giving back to their community through service projects to help the homeless. The group also raises their own funds for travel, costumes, and other expenses through the use of fund-raising activities and generous donations from private citizens and groups. The Youngstown Connection provides these young adults with the opportunity to share their love of the arts and promote the message of brotherhood and peace throughout the world.

I am proud of the Youngstown Connection, Mr. Speaker, and because of them the future of our community in northeast Ohio and the country is in good hands.

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.)

BADMAN VS. LAWMAN—A TRIBUTE TO TEXAS PEACE OFFICER DALE GEDDIE

Mr. POE. Mr. Speaker, I request permission to take Mr. BURTON's time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, it is the kind of ammunition you would expect a foreign insurgent to have, 150 armor piercing bullets and a rifle. But it was all too familiar what happened in this event. This individual with all this fire power being a bad father and a bad husband, he was pitted against police and his own family. He held them hostage, then lashing out at the lawmen sent to rescue his family. This domestic disturbance ended fatally, just as too many domestic disturbances end.

After threatening his wife, this family terrorist, Joseph Earl Walsh, turned his blazing gun on a well-known and well-loved peace officer, a servant of the people, leaving him to die while holding fellow peace officers at bay. This stand-off would last more than 3 hours, and when the dust and gun powder cleared the skies, East Texas Constable Dale Geddie of Tyler, Texas would be found murdered.

As a constable, Geddie was more than a law officer, he was an officer of the people. He carried a charge that dates all the way back to the Father of Texas, Stephen F. Austin, who started this band of lawmen to protect Texas settlers from the Indians. Constables are an elite corps of cowboy-lawmen, part of an organization really older than Texas Rangers. They date back to before the days of the Republic of Texas. And Constable Dale Geddie was known for upholding the charge to protect and serve.

He was a fine lawman and a fine human being. Friends have said that if you knew Dale, he was your friend for life. He was the guy who would take off his boots and give them to you if you needed them. Now it is Constable Dale Geddie's family, his wife and his two sons, who will need help during the loss of their good father and their good husband. Their father's fellow peace officers, with their badges draped in the black cloth of sacrifice, their hearts bruised, have lost a friend, a leader, and a hero.

Today we remember Constable Dale Geddie, his family and friends and fellow Texas lawmen, and as we remember them we also remember Smith County Sheriff's Deputy Daniel Leon, who was also injured in this attack. Today we pause to say a prayer and give praise to all the other lawmen across the country who face the forces of evil, evil that hides in the hardened hearts of the heathen.

Mr. Speaker, peace officers are the last strand of wire in the fence between the people and the lawless. Constable Dale Geddie was one of those peace officers.

And that's just the way it is.

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.)

ON THE PASSING OF GEORGE DUNNE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the time of Mr. BROWN.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, last week George William Dunne, one of the giant figures of Chicago and Cook County politics in the last half of the 20th century passed at age 93.

George Dunne came from humble circumstances, the son of Irish immigrants. He graduated from De La Salle Institute on Chicago's South Side, the alma mater of such stalwarts of Cook County politics as Mayor Martin Kennelly, Cook County board president Dan Ryan, and Mayor Richard J. Daley.

□ 2230

He attended Northwestern University and served his country in the United States Army during World War II and the Korean War. George Dunne began his public service career as a park supervisor at a Lake Michigan playground, and went on to a series of positions with the Chicago Park District.

He was elected to the Illinois House of Representative in 1955 and elevated to House Majority Leader in 1961. In 1962 he was elected to the Cook County Board and 7 years later he was elected to the position of President of the Board. George served in that position for 31 years, until his retirement in 1990.

In addition to his government service, George held responsible posts in the Cook County Democratic Party. He was Democratic committeeman of the 42nd Ward on Chicago's north side for more than 40 years, and as chairman of the Cook County Democratic Party for all but 5 years from 1976 to his retirement in 1990.

George Dunne was present at many of the great historical landmark events of his day. He was with Colonel Jacob Arvey at the 1984 Democratic Convention in Philadelphia for the nomination of Harry Truman.

20 years later he was with Mayor Richard J. Daley at the 1968 Democratic Convention for the nomination of Hubert Humphrey.

However, Mr. Speaker, for me those are not the events I remember. When I remember George Dunne, I remember 1983 when Harold Washington won the Democratic nomination for Mayor of Chicago. The Democratic Party began to split along racial lines, with some white Democrats turning to oppose the nominee of their own party.

George Dunne was one of those who resisted such splitting tactics and supported Harold Washington, including what was to become immortalized in one famous photograph, marching arm in arm with Washington at the St. Patrick's Day Parade.

I remember the depth of the crisis at Cook County Hospital when George Dunne, became President of the Cook County Board. At one time Cook County Hospital had been a model for public health institutions. But by the early 1970s, many were calling for the closing of the hospital.

Today we would call it privatization of the hospital. Eventually, President Dunne put aside his political predilections and hired a radical young doctor, Dr. Quentin Young to lead the Department of Medicine, a move which today is generally created with saving the hospital.

Mr. Speaker, I do not believe that we mortals should make final judgement on the life of other mortals, but when we reflect on the life of George Dunne, I hope that these qualities and actions are among those which are never forgotten.

Several of his proteges are integral parts of Illinois and Chicago politics, such as the Honorable Jesse White, Secretary of State, the Honorable Burton Naturus, Alderman and committeeman of the 42nd Ward, and the honorable Walter Burnett, alderman of the 27th Ward.

Mr. Speaker, I am sure that they would join with me and countless others of saying thanks to his family for sharing with all of us a tremendous elected official, politician, but most of all a gentleman and a humanitarian.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

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

HONORING CORPORAL ERIC R. LUEKEN

Mr. SODREL. Mr. Speaker, I would like to claim the time of Ms. FOXX.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SODREL. Mr. Speaker, I rise today to honor a young man, a Marine from my district who served with the 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, 3rd Marine Expeditionary Force in Iraq.

Corporal Eric R. Lueken of Dubois, Indiana joined the Marines in 2003. He served in Afghanistan from November 2004 to June 2005. On March 11, 2006, he left for service in Iraq. Eric grew up on the family poultry farm, played basketball at Northeast Dubois High School, and joined the Marines because he wanted to do something he could be proud of.

Corporal Leuken's mother, Melinda Lueken, said he wanted to achieve something for himself and he did. He was just a country boy. He liked hunting and fishing. But he wanted to do something with his life and he did not want to always stick around here in the little town of Dubois.

Lueken's fiancée, Ericka Merkel, said, ''Once he joined the Marine Corps, all of his needs, they were second. Everybody else's needs were first. He never put himself first.'' Even in Iraq he said, ''I am praying for you.'' He was never praying for himself.

This Memorial Day, Mr. Speaker, adds special meaning for me. Corporal Lueken was killed on April 22, 2006 when his convoy was the target of an improvised explosive device in Iraq's Anbar Province.

Corporal Lueken was a field radio operator. He was only 23 years old. Mr. Speaker, I attended the memorial services for Corporal Lueken and witnessed an incredible outpouring of affection and gratitude from the people of Dubois County, Indiana, from the people who knew Eric best.

The Marine Honor Guard, Marine Corps Association, VFW, American Legion and other Armed Services members, current and past, traveled great distances to show their respect and support for his friends, his fiancée and his family.

Like so many young men and women who choose to serve our country, it is clear to me, Corporal Eric Lueken embodied the very best of what makes this country great. Corporal Lueken's sacrifice, his commitment to his faith, his family, and his country was unwavering.

Semper Fidelis, always faithful, at home, in Afghanistan, and Iraq. Southern Indiana has lost a remarkable young man. My thoughts and prayers are with the Lueken family and with all of many men and women of the United States Armed Forces who defend liberty around the world.

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 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 Texas (Mr. CONAWAY) is recognized for 5 minutes.

(Mr. CONAWAY 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 Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah 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 Arkansas (Mr. SNYDER) is recognized for 5 minutes.

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

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

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

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

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

DEMOCRATS PLAN FOR A WAY FORWARD IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for half the time until midnight as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, there have been too many dark days in Iraq of late, but today is not one of them. The removal of Abu Musab al Zarqawi is a welcome event.

Zarqawi was a blood thirsty thug and an indiscriminate killer of innocent men, women and children. All Americans join in congratulating the American military and the Iraqi people for their success in tracking, finding and eliminating the most vicious terrorist in Iraq.

It is too early to predict what the effect of the elimination of Zarqawi will have on the counterinsurgency effort that the Iraqi and coalition forces are engaged in.

On the one hand there is ample historical evidence that eliminating terrorist and insurgent leaders does not necessarily cripple their movements. New leaders rise up to take their places. In the Iraqi case, however, Zarqawi's form of jihad, which has resulted in the slaughter of so many innocent civilians has alienated most Iraqis and helped to foster reported back-channel negotiations between the U.S., the Iraqi Government and some of the insurgent groups over the past few months.

Whether the confluence of Zarqawi's death and the completion of the new Iraqi cabinet can accelerate the prospects for some kind of more open negotiations remains to be seen. Especially as the sectarian violence that Zarqawi sought has continued to grow in recent months.

Even as we celebrate Zarqawi's death and recall the horrors he perpetrated, the videotaped beheadings of helpless hostages, the mass casualty suicide bombings of Shiite mosques, and the horrific destruction of the UN headquarters, we cannot turn away from the grim reality, that the war the President declared over in the spring of 2003 has been bloodier, costlier, longer and more difficult than the administration anticipated or planned for.

We need a new way forward in Iraq, and that is what we would like to talk about tonight. The Democratic ideas for a new way forward in Iraq are part of an overall effort to reconfigure America's security for the 21st Century, a plan we call Real Security.

Earlier this spring, Members of our party from both the House and the Senate unveiled a comprehensive blueprint to better protect America and restore our Nation's position of international leadership.

Our plan, Real Security, was devised with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others, who helped identify key areas where current policies have failed and where new ones were needed.

In a series of six special orders, my colleagues and I have been sharing with the American people our vision for a more secure America. The plan has five pillars, and each of our special order hours have been addressing them in turn: Building a 21st Century Military, Winning the War on Terror, Providing for Our Homeland Security, A Way Forward in Iraq, and the Achievement of Energy Independence.

Tonight we address a New Course in Iraq, to make 2006 a year of significant transition to full Iraqi sovereignty, with the Iraqis assuming primary responsibility for securing and governing their country with a responsible redeployment of U.S. forces.

Democrats will insist that Iraqis make the political compromises necessary to unite the country and defeat the insurgency, promote regional diplomacy and strongly encourage our allies and other nations to play a constructive role.

I have been to Iraq three times to visit our troops there, and I have spent time with our wounded here and in Germany. They have done everything we have asked of them, and they have done it magnificently. Whatever success we have had in Iraq, every village that was secured, every public works project that was completed, every school that was reopened, is due to the efforts of our soldiers, sailors, airmen and marines.

But, Mr. Speaker, these heroes are still being killed and wounded daily. Over 2,450 American troops have been killed and thousands more have been injured. American taxpayers are paying approximately $194 million a day for the war, according to the CBO. That is more than $1 billion a week.

A recent Congressional Research Service report puts the current cost of continued operations in Iraq and Afghanistan at close to $10 billion a month, with most of that money going to Iraq.

This is a conflict that has come to grief in so many ways. In the fall of 2002, Congress voted to authorize the use of force against Iraq because of the threat that Saddam Hussein had stockpiles of chemical and biological weapons, and because we were told he had an active nuclear weapons program.

If you go back and look at the debate in the House and Senate, this was a decision taken by the Congress to prevent Iraq from acquiring and using or transferring nuclear weapons.

Months later as American forces pushed across the Kuwaiti frontier and into Iraq, we were told by the President that our troops were on a hunt for weapons of mass destruction. Delivering the Iraqi people from the brutality of Saddam Hussein was a noble act, but the promotion of democracy in Iraq was not our primary reason for going to war.

Similarly, we knew that the Shiite majority had suffered terribly under the Ba'athist regime, and freeing them from the oppression of the Sunni minority was an added benefit of the invasion. But reordering the ethnic balance of political power in Iraq was not our primary purpose for going to war.

Soon after the fall of Baghdad, it became clear that many of the prewar assumptions that had guided the President and his advisors were wrong. There were no chemical or biological weapons. There was no nuclear program. And while many Iraqis celebrated the ouster of Saddam Hussein, they did not line the streets of Baghdad to greet our troops with flowers. In fact, within days, there emerged the beginnings of what would be an organized, deadly insurgency that would quickly put an end to General Tommy Frank's plan to pare down the 140,000 troops in Iraq in April of 2003 to 30,000 by September of 2003.

In recent months, the nature of the struggle in Iraq has changed yet again. Long-simmering ethnic tensions which had been suppressed under Saddam's totalitarian regime have threatened to tear the country apart.

While the full-scale civil war that many feared in the wake of the bombing of Askariya mosque in Samarra has not come to past, not yet, most observers believe the country is currently in the grip of a low-level civil war that could erupt into full-scale conflict at any time.

As first, much of the sectarian violence was perpetrated by Sunni insurgents who saw continuing violence and instability in Iraq as their best hope to gain power in a country dominated by Shiia Muslims.

Shiite political factions have responded by creating militias, and these have become more active in targeting Sunnis over the past few months. In recent weeks I have been concerned by media reports that Shiite militias have been deploying to Kirkuk, Iraq's third largest city, in a bid to forestall any attempt by Kurds to assert control over this major center of Iraq's oil-rich north.

In Baghdad, Shiite units, some of them nominally under the control of the Ministry of Interior, have acted as death squads, and the streets of the capital have become a dumping ground for bodies.

We have a moral obligation to do what we can to avoid having Iraq spiral into all-out civil war. But now is the time for Iraqis themselves to decide whether they wish to be one country. That is the decision we cannot make for them.

Accordingly, the first element of the Real Security Plan for Iraq calls for

the United States to take the necessary steps to ensure that 2006 is a year of significant transition to full Iraqi sovereignty.

□ 2245

There is a broad consensus among experts here and abroad that Iraq's future will be determined politically and not by force. The formation of a permanent Iraqi government, one that will have power, legitimacy and vision, to assume primary responsibility for securing and governing the country is a necessary precondition to ending the insurgency, preventing civil war and allowing large scale reconstruction to begin.

Consequently, our role in Iraq must become more political and less military for if there is one thing that Iraqis of every religious, political and ethic stripe can agree on, it is that they do not want foreign troops in their country indefinitely.

The second element of the Democratic Real Security plan for Iraq is a responsible redeployment of our troops during the course of 2006 so that we are not drawn into sectarian conflict, and so that Iraqis are forced to take primary responsibility for securing and governing their country. The process of training Iraqi security forces has gone more slowly than many had hoped and few Iraqi units are capable of taking a leading role in combating the insurgency and remain almost wholly dependent on coalition forces for logistical support.

We must redouble our efforts to train Iraqi forces in order to allow for the responsible redeployment of American troops without a consequent loss of security in the areas we leave. A responsible redeployment of American coalition forces will have to be done in stages to build greater Iraqi sovereignty and control over security, not civil war.

In the first phase of redeployment, I believe our forces should be gradually withdrawn from urban centers where their mere presence in large numbers has earned the animosity of the local population. Our troops should be moved to smaller cities where reconstruction is supported by the local population and to remote bases where our troops will be able to support Iraqi units if necessary but will not become a buffer between warring sects bent on killing each other.

Over time, these troops will be withdrawn from Iraq altogether and redeployed outside the country, either in the region or back to the United States. We should publicly declare that the U.S. does not seek to maintain a permanent military presence in Iraq and many of us have co-sponsored legislation to prevent the establishment of bases which can only serve as a catalyst for the insurgency and for foreign jihadis.

A redeployment of American troops cannot succeed if the Iraqis themselves are not willing to find the political solution to counter the forces that threaten the unity of the country. There is to doubt that Iraq's ongoing sectarian strife has been exacerbated by the protracted struggle among and inside Iraq's political factions over the formation of a permanent government.

The real key to a better future for the Iraqi people and the third element of the Democratic Real Security plan for Iraq is the promotion of political compromise to unite the country. The recent formation of a national unity government by the prime minister is a positive step. While Zarqawi's death has grabbed most of the headlines today, the prime minister's announcement that he has filled the crucial vacancies in the interior defense and national security ministries may prove more important to Iraq's future, which will be determined politically and not by force.

The Iraqi government must demonstrate to its people that it can actually bring Iraq's rival factions together in a common effort to confront the foreign jihadis and bring the insurgents into the political process. This is the best hope for maintaining the unity of Iraq. But Mr. Speaker, we can not do it alone.

American soldiers, American diplomats and American reconstruction experts are shouldering almost the entire burden in Iraq. This is unfortunately a problem wholly of our making. The President made little effort to bring others on board before we went into Iraq. And after the fall of Baghdad, he rebutted an offer by the United Nations to assume a central role in rebuilding the country.

Finding a way to internationalize the struggle to stabilize Iraq is the fourth element of the Democratic Real Security plan for Iraq. It is not surprising our allies and others are reluctant to send their solders and contractors to help us. It is dangerous and we have not been amenable to listening to the suggestions of others. Unfortunately, the situation in Iraq has deteriorated to the extent that the world must reengage if only because the alternative is too horrible to contemplate. At a minimum, our allies should be willing to assume a greater role in training Iraqi security forces, as well as provide long-promised economic support.

Finally, the last element of the Real Security plan is the need to hold the administration accountable for its conduct of the war. More than any other variable under the control of Congress, our failure to perform this oversight has been a major factor contributing to the difficult situation in Iraq.

The failure of oversight and the need to hold accountable people that are responsible for those failures has plagued the Iraq war from the beginning. And because this Congress, this Republican-controlled Congress refuses to hold the President to account, we keep making the same mistakes over and over again.

For years, the administration and majority tried to cow into silence anyone who dared to question the conduct of the war by calling them unpatriotic. It is not disloyal to ask these questions. Oversight is a core responsibility of Congress. The great strength of a democratic system with built-in checks and balances is that mistakes are caught and corrected. Every Member of this House, Republican and Democrat, wants a stable and representative Iraqi government. But, Mr. Speaker, we cannot hope to change course in Iraq until and unless we are willing to acknowledge mistakes, until we hold the administration accountable and force change.

Devising and implementing a successful end game in Iraq will be difficult, but the President's open ended commitment to remain in the country is untenable and unwise. The American people want Iraq to succeed and for a representative government there to survive and lead to a better future for the Iraqi people, but that success requires a new direction.

I now yield to two of my colleagues, my fellow co-chairs of the Democratic Study Group on National Security their thoughts on the way forward in Iraq. First, I would like to turn to Mr. ISRAEL of New York who has been a great leader on this issue, who is the Chair of the Democratic Task Force on National Security. I yield to the gentleman from New York.

Mr. ISRAEL. I thank my friend from California and particularly I want to thank him for his strong and wise leadership on national security issues.

As the gentleman mentioned he and our colleague from Atlanta, Georgia, Mr. SCOTT, and I co-founded the Democratic Study Group on National Security Policy, which advocates for a long and smart military, which believes in policy that are robust and visionary when it comes to our national security.

I have the great honor, not just being a Member of Congress, but serving on the House Armed Services Committee. And I was in Iraq just a month ago. It was my second visit as a member of the Armed Services Committee. And when I was there I had the sense that we were getting close to finding al-Zarqawi. He was still on the loose but we were getting closer, and I am glad that we finished the job. This is a guy who relished beheadings. This is someone who enjoyed car bombings. This is someone who killed Americans who killed, Sunnis, who killed Shi'ia, who killed Kurds. And so I believe it is an important day and it is good news that while we have many struggles ahead this one struggle no longer exists.

But I think it is very important for us to focus on the future. While I was in Iraq I had the opportunity to meet with Prime Minister Maliki and President Talabani and General Casey and his troops. All of those people were involved and should take credit for what happened today.

The questioning now faces what is next. The gentleman talked about our plan for Iraq. The fact that 2006 should

be a year of transition to full Iraqi sovereignty, that we need a responsible redeployment of U.S. forces, that we need to promote Iraqi political compromise to unite the country, encourage our allies to play a constructive role, hold the Bush administration accountable. And there is one more thing that we must do that I know my colleagues and I agree completely on. And that is to make sure that our troops continue to have everything they need, because despite the fact that al-Zarqawi has been removed, there are going to be other al-Zarqawis in the world. There are going it be others who enjoy beheadings and car bombings. And for as long as long as they exist, we are going to need the capabilities of meeting and defeating them.

That is why I was so distressed when my constituents woke up this morning to this front page in our Long Island newspaper, Newsday. The front page headline, ''Blood clot bandages, frontline shortage, some troops calling home to ask for life saving dressings.''

By the way, I would say to my friends from Georgia and California, this story is under a story about how Ann Coulter visited my district having just attacked 9/11 widows as being witches and harpies. After Ann Coulter attacked 9/11 widows, I have about a hundred of them in my district, comes to my district and attacks them. Under that story is this story about potential shortages of blood clot bandages.

Let me share with my colleagues what this story says. ''Despite Army order that frontline medics get special clotting bandages, soldiers say they're still needed.'' It begins with this lead. ''Nine months after an Army order that all combat orders would get life saving clotting bandages to curb bleeding deaths, some troops in Iraq are still calling home, asking friends and families to supply them. Despite Army assurances that there are plenty of bandages to go around. Soldiers have written to say they have not found their way to all those on the front lines, and the manufacturer under contract with the Army acknowledged last week that early production problems may have spurred a shortage.''

Now, let me be clear on this. We have been working with the Army and we will continue to work closely with them. They are trying to get to the bottom of this and that is their obligation. I appreciate their responsiveness to this report. But we cannot afford continued reports like this three years after the invasion.

It is unfair that Ms. Doreen Kenny, who lost her job, Jacob Fletcher, in Iraq, one of the first Long Islanders to be killed in action, has to have her photograph in this story with the quote, ''If I can prevent one knock at the door of a military family, I will do all I can to prevent them from living through the heartbreak I have had to live through.''

Why is she in this story? Because Doreen Kenny, who lost her boy, is mailing this critical medical equipment to our troops in Iraq. That is not what she should be having to do right now.

So I know we will continue as Democrats to ensure that when we go to war we do not go with the Army we have, as Secretary Rumsfeld said, but with the supplies they need. That those of us who believe that we have to draw a line against totalitarianism understand that we have to make sure our supply lines are adequately equipped. That we cannot afford to send soldiers into hostility and then read reports that they are calling home asking for blood clotting bandages.

I want to thank the gentleman for his leadership. We will continue to pursue this vitally important plan for Iraq, but I know that at the centerpiece of those plans is the understanding that we have to protect the protectors and defend the defenders, and that is what Democrats are doing in the United States Congress today.

Mr. SCHIFF. I thank the gentleman for yielding and for sharing the experience of your constituent. I think each of us has sat down with troops returning from Iraq and heard the stories of the lack of lifesaving equipment that they have had to cope with. I had lunch with a guardsman from my district a couple of weeks ago who told me during the year he was in Iraq, the Humvees they were riding in had no doors, and they had to jerry-rig sheets of plywood separated by sacks of sand or concrete, what we call hillbilly armor, to protect themselves as they went from base to base, asking each other, why are we having to do this?

And when we consider all of the misspent and unaccounted for billions of reconstruction dollars and how many coagulant bandages that would pay for or body armor or uparmored vehicles, I think it is the case of going to war with the leadership you have, not the leadership you would like. And I thank the gentleman. If the gentleman has time, we can have a colloquy later on but let me turn to my other colleague from Georgia, Mr. SCOTT, one of our great leaders on national security issues, and I yield to the gentleman.

Mr. SCOTT of Georgia. Thank you so much and to my good friend, Mr. ISRAEL. What a pleasure it is to serve, the three of us, as co-chairs of our Democratic Group on National Security and providing leadership for this Nation on this critical area, and also letting the American people know that Democrats stand, foremost, for national security. Our history, our legacy speaks to that.

As we have counted time and time again, every time we have had a national crisis, Democrats have paved the way and brought us through, from Franklin Delano Roosevelt to Harry Truman, John Fitzgerald Kennedy. Who could be more strong than at the Bay of Pigs, at the missile crisis in Cuba, with the Soviet Union in the Cold War. We have been in the forefront in every aspect of protecting this country and we are at the forefront now.

It is such a pleasure and I am just very proud to be here with you. I want to pick up on that theme because while we all salute the killing of al-Zarqawi, we are proud of that, we are proud of our military.

□ 2300

We salute them for having done a remarkable job, but I think it is very important for us not to get too caught up in that as much as it is very important for us to look at this Iraq situation from the standpoint of the soldier, from that person that is on the front lines.

Like the two of you, I have been to Iraq. I have been over into the war zone twice. I have been into the European theater. I have been into Afghanistan. I have been on the front lines with our troops. I have eaten with them. I have been there and I have talked with them, and I have looked them in the eyes and they have looked me in the eyes. We have been able to see and to be able to feel one another's passion and their pain.

I am committed, as the two of you are, to make sure that we speak for the soldier, and this is what I want to do this evening. I want to talk about our military, and I want to talk about them from the standpoint of the sacrifices that our men and women in uniform are making.

Most recently, we had in the news the disturbing story about the marines and about what happened over there, but I want you to know that this is one soldier here, this is one congressman, who is going to not come to any conclusions, because no matter what the situation is on that battlefield, where our marines, where our soldiers are, they did not choose to go over there. They did not choose to go over there with bad equipment, undermanned and in the rotation cycle that they have that has put tremendous strain on our military.

Many of our marines, many of our soldiers, are over there not on their second tour, not even on their third tour. Some are on their fourth tour of duty. I talked with them. That is not right, and it is not fair.

I think as we talk tonight we need to talk about the strain that this Iraqi situation is placing on our military so that when we judge our military, let us judge them right. Let us judge them with the hills and valleys and the mountains that they have got to go through over there.

I want to talk about just for a second that nearly all of the available combat units in the United States, Army and the Army National Guard and the Marine Corps, have been used up in the current operations in Iraq and Afghanistan.

Every available combat brigade from the active duty Army has already been to Afghanistan and Iraq at least once for a 12-month tour. Many are now in

their second or third tours of duty, and approximately 95 percent of the Army National Guard's combat battalions and special operation units have been mobilized since 9/11, and short of full mobilization or a new presidential declaration of national emergency, there is little available combat capacity remaining in the Army National Guard.

All active duty Marine Corps units are being used on tight, tight rotation schedules, 7 months deployed, less than a year home to rest or recess, then another 7 months deployed, and all of the Marine Reserve combat units have been mobilized.

The point I am making is that the decision to go to war is one thing. The other thing is you never make that decision and you send on a mission that is not clearly defined, that has been moving and shaking. Let us review for a moment just what our soldiers, just what our military has been asked to do.

First of all, the mission was to go and find weapons of mass destruction, based upon faulty information and sometimes false information purposefully, for whatever purpose. We know all that now. We did not know it then, but we sent our military into that, and we sent our military in with not enough manpower. Seventy percent of the generals said we do not have enough manpower. The one person with the level of credibility, combat experience in this administration, Colin Powell, made the statement, We do not go to war without the size of the military we need to do the job. You go with massive force.

Then secondly, once there were no weapons of mass destruction, the mission changed to go to find Saddam Hussein. We did that.

Then to set up a free government. We did that, all under great, great obstacles.

And then the test, to reconstruct the country. That was not the mission of our Army.

So, as we sit back and as we applaud this great accomplishment today with al-Zarqawi, let us not forget the soldier. Let us not forget the difficult and challenging and meandering, constantly changing mission, not having the resources, going into dung heaps, going into landfills to get body armor.

This country, and the very just passionate story that STEVE ISRAEL talked about on the front page of the Newsday and the Long Island newspaper today, America deserves better. I tell you one thing, they are going to get better because we in the Democratic group on national security, we are going to make sure of it. We are going to hold this administration accountable. We are going to point in a new direction, and we are going to give the American people the kind of strong, forceful, national security that they need and can be proud of.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Georgia.

I think most of the American people really do not have a firsthand sense of the kind of sacrifice that our troops are making, which is nothing short of extraordinary, with the multiple deployments that you mentioned, with the uncertainty for their families of when they will come home, if they will come home and in what condition they will come home, the economic sacrifices the families make.

One of the concerns I have is not only the problem making sure that there is enough coagulant bandages while they are there, but what about when they come home? Our VA system is already over capacity. The administration is talking about closing Walter Reed. I do not know how that can be done. Every time I have been there it is been brimming with patients.

We, I do not think, have even begun to think about the demands on our health care system for veterans. This young Guardsman that I mentioned earlier, he told me that he still has to resist the impulse to drop to the deck when he hears someone close the door behind a Civic. There is something about the closing of a door behind a Civic that sounds a lot like a mortar going off at 2,000 meters. He said he was pretty well-off in Iraq; he was not one of the people who had to bust down doors every day and go through that kind of stress.

Imagine the mental health care needs, the physical health care needs. I do not think we are prepared yet to meet them, and I want to ask my colleague from New York, a member of the Armed Services Committee, someone who is a military historian and studied the kind of strain we are placing on our active duty and our reserve, what are your thoughts on this subject?

Mr. ISRAEL. Well, I thank the gentleman for the question. You know, every Member of Congress prides themselves on the work we do with respect to veterans case work. I know in my district we have two people devoted exclusively to trying to work with veterans, get them their retroactive payment, get them their medals.

We secured over $2 million in my district in back payments for our veterans, but those are Vietnam veterans. Some of these are World War II veterans, Korean veterans. This country is just now catching up to people who were in the military theater 40 years ago. Just catching up now to those people.

Can you imagine what our situation is going to be where we now have a multitude, a new generation of veterans coming back with post-traumatic stress disorder and other very serious physical and psychological problems, and we have to say to them we are sorry, we know we sent you to the front, but now we have got to balance the budget on your backs because we have run out of money? Just cannot do it as a result of the fiscal policy of the past 6 years.

When the gentleman and I were elected, we had a $5.6 trillion surplus. We could have paid for the war in Iraq and then paid for health care for every single soldier that went, so that they did not have to go without the potential of coagulant bandages. So when they came home, they came home to a country that would take care of them.

Now, we have got an $8 trillion debt, and we have to make painful cuts. The other side has forced us to cut back on those services, forced veterans to dig deeper into their pockets.

Mr. SCHIFF. The gentleman and I were talking just this morning, all three of us, about the need to sacrifice, the need to have leadership in this country, and ask the American people to make a sacrifice.

Right now, the people sacrificing are the people in uniform and their families, but the rest of us can contribute, too. I know you have been at the forefront of calling for our national sacrifice, and we could start by balancing the budget so that these young soldiers, sailors, marines and airmen do not come back, in addition to having to try to put their lives back together, have that huge national debt hanging over their heads.

Mr. ISRAEL. Mr. Speaker, if the gentleman would yield, there is a lot of talk by the administration about the global war on terror and America's fight on the global war on terror. 133,000 of our troops are fighting the global war on terror. They are the ones who have been made to engage in the sacrifice. They are the ones who have been uprooted from their families.

These two gentlemen on the front page of my daily newspaper, they are fighting the global war on terror. The rest of us are watching it on television. America can do better than that. I refuse, and I know the gentleman from California and the gentleman from Georgia should refuse to be the first generation of Americans in history to say let everybody else do it, we will just sit back and relax. We will pass a permanent repeal of the death tax or the estate tax which may cost $300 billion, and then have the temerity to tell these people on the front page of Newsday, sorry, we cannot afford your supplies, we cannot afford to take care of you when you come home. I do not want to be the first generation of Americans to balance the budget on the backs of someone who is on his back in this photograph.

We have an obligation if we are going to fight the Zarqawis of the world, something I believe we should do, to make sure that those who are doing the fighting are protected and make sacrifices at home that save their lives abroad.

Mr. SCHIFF. Mr. Speaker, I have to yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. That is exactly the point we were making earlier in the debate early last week in terms of these tax cuts. I mean, we are here and this administration last week

prides itself at a time when our soldiers are making these kinds of sacrifice, at a time that this administration will stand in the way of the concurrent receipts bill, and forcing our veterans to have to choose if they get injured or they get a wound in the battlefield, and they have to retire from the service, they have to choose between their retirement pay and their disability pay.

This administration is standing in the way of correcting that, and at the same time will ask for tax cuts for the top 1 percent of the most wealthy people in this country, on the backs of not treating our veterans right, on the backs of not increasing the military widows' pay or giving the death benefits that we need or giving the military service people the raise that they need.

This is why I was just so astounded at the glee that came from the Republican administration in passing a tax cut at a time of war, of great sacrifice. Never before in this history has that occurred.

Mr. SCHIFF. If I could ask of the gentleman from Georgia, prior to the Memorial Day weekend, you shared a short anecdote about meeting one of your constituents in Iraq. Can you tell us about that because I think it so characterizes the sacrifice we are talking about.

Mr. SCOTT of Georgia. This was a remarkable experience I had with the soldier in Iraq, and we had to make that choice of staying that night and putting our own selves in greater danger because, you know, going over there, you cannot fly up at night. You have to go by the roads, but we made that choice, and I am so glad because it gave me the experience of a lifetime.

As we were in Camp Victory in Baghdad and we were gathered there, and this soldier came up and was just hugging me. I was hugging him, tears falling down his eyes, tears falling down my eyes, and we were just squeezing each other. He said something to me I will never forget. He said, Congressman SCOTT, when I am hugging you, it is like hugging a piece of home. I almost get choked up every time that happens.

I am so glad that God gave me that experience. I am so glad we went there, and like other soldiers, a while later, that soldier died. That is the kind of sacrifice, and I went over there and looked in the eyes.

Let me tell you another experience. When I was in Afghanistan and I went over there to Afghanistan, at the time when you remember the debate was over that if we had had this kind of body armor, that several thousand marines that have died or got wounded or would have been saved, that story came out. The Pentagon had given that report.

□ 2315

So that was fresh on my mind when I was sitting there with this one unit. And in each one of the squads there is a sniper. There is an armor guy, an artillery guy, but each one has a sniper who the whole troop depends upon. And I started asking about the body armor and they started going around saying, yeah, we have all our armor on, but our sniper here, he will not wear the neck armor to protect himself from a head wound or a neck wound that would be almost fatal. And I asked him, I said why. He said, I won't wear that because it hurts my agility to be able to move my head to protect my troops. We have had many snipers.

That kind of valor, that kind of courage, that is the kind of sacrifice that we are talking about at a time when we have not asked others in this Nation to make that sort of sacrifice.

Mr. SCHIFF. I am sure that both my colleagues have had the experience of visiting our troops in the hospital in Ramstein, Germany, and here in Washington. Their thoughts are with their colleagues they left behind. They want to get back to their troops to make sure they are there for their buddies.

I had one soldier who was so concerned, could I do something about the fact that one of the people in his battalion really deserved recognition for what he had done, and since he wasn't there to make the report this other soldier would not get the recognition they deserved. This is what he was worried about as he lay in the hospital.

I yield to the gentleman from New York.

Mr. ISRAEL. I spent some time this evening with the gentleman and with one of our best generals, and he was telling the story of visiting with a critically wounded soldier in a military hospital and walking out with that soldier's mother. And the mother said, General, my son is not sleeping at night. And the General said, well, of course he is not sleeping at night, look what he has been through. She said, no, General, he is not sleeping because he is up all night thinking about the fact that his unit is still in Iraq and he is worried about them.

That is the sacrifice that we are talking about and the dedication and the professionalism, and we have an obligation to those men and women to protect them.

If the gentleman would allow me to make a concluding point. This front page newspaper tells the story of contrast, and the same contrast is played out on the floor of the House frequently. You have got this front, top of the newspaper that says ''Ann the Ripper Brings Campaign Against 9/11 Widows to Long Island,'' and then you have the rest of the page devoted to the possibility of front-line shortages of critical medical equipment. These guys get less so that Ann Coulter, who writes a book calling 9/11 widows witches and harpies, who will make a lot of money off the proceeds of that book, can get a bigger tax cut.

How is that fair in America today? How is that just? How does that do justice to these people? It doesn't. We can do better. The Democrats will do better. We understand the need to fight and to use hard power around the world to fight totalitarianism and to fight terrorism, but if you are going to take on the fight, you got to take it on with the right supplies. And that is what we are about.

Mr. SCHIFF. I want to thank both my colleagues for joining me this evening and helping to further elucidate the Democratic plan for the way forward in Iraq, for talking about the sacrifice our troops are making, for being there for our troops, and also raising the call that this be a shared sacrifice in the war on terror; that we not force those who have borne the battle to look out for themselves and to pay off our national debt when they get back; that we heed the injunction of Lincoln that we ''look after him who has borne the battle and his widow and his orphan.''

I want to thank you again for all your leadership.

LONG-TERM CONSEQUENCES OF NAFTA

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

Ms. KAPTUR. Mr. Speaker, I wish to especially thank Congressman CARTER for allowing me this special privilege of appearing before he does this evening.

Mr. Speaker, the wonderful time about speaking at this time of day is we get to cover subjects that may not be on the agendas of any committee but are of importance to the American people. Tonight, I want to talk about the long-term consequences of a trade agreement called NAFTA that passed over a decade ago.

We were promised, as the American people, that NAFTA would result in more jobs, trade balances with Mexico and with Canada, and a higher standard of living in all of our countries. Indeed, exactly the opposite has happened. This country has now shipped out over 880,000 jobs, nearly a million jobs and still counting, to Mexico and to Canada, and we have not amassed any trade surpluses but, indeed, have fallen into deep deficit with both countries.

I have a couple of charts here that talk about this. Trade accounts with Mexico prior to NAFTA signing were positive. Every single year since NAFTA's signing, we have gone into deeper and deeper and deeper deficit, now over $50 billion a year, the largest ever, with each billion dollars representing a loss of 20,000 more jobs in this country.

With Canada, the other country with which we were supposed to experience a trade surplus, we have also fallen into deficit. In fact, we have doubled the deficit that we had with Canada. And what is amazing about this is that every year it gets worse. The American people inherently know this because it is happening to them directly.

At the same time in this country we have increasing illegal immigration,

much of it from south of our border. What is interesting, most of the debate about immigration doesn't even touch on NAFTA. Yet if you look at what NAFTA has caused inside of Mexico, over 2 million peasant farmers have been displaced and another 500,000 more are coming each year. And why is that? Because the very small farmsteads of Mexico, in the Sinaloa Valley all the way down to Xcalas and Oaxaca are being destroyed.

The agricultural provisions I tried to get into NAFTA back in 1993 were never allowed to be considered on this floor. If we had done that, we would have been able to address the tragedy that is occurring in Mexico, which is the complete elimination of their small holders and their farmers. I call it a continental sacrilege, the heartlessness that is embedded in NAFTA that is costing jobs in our country, costing jobs in Canada, costing the loss of life as people flee to try to feed themselves, as their whole way of life is being totally destroyed in Mexico.

This week something very important happened. In the city of Ottawa, Canada, the capital city of our sister state up north, a major meeting was held between parliamentarians of the United States, Canada, and Mexico to begin to push back a continental effort to reform NAFTA. Both legislators, like myself, and representatives of those two governments, along with civil society groups met in Ottawa to halt NAFTA-plus, the expansion of NAFTA, something being called the Security and Prosperity Partnership.

Instead, at a press conference in Ottawa on Monday, we announced that networks from across Canada, the United States, and Mexico are going to unveil a plan to bring an end to the kind of deep damage that NAFTA is causing in all three countries and replace it with a people-centered trade model. As I said in my remarks in Canada, trade agreements in North America must ensure rising standards of living and increase jobs in all of our countries.

We met this week in Ottawa, and that meeting followed one we held last year in this city of Washington, D.C. This was our second forum. We will have a third in Ottawa a year from now, and likely a meeting in Mexico City in August.

As one of our parliamentarians said, NAFTA has aggravated poverty across our continent. And the new Democratic Party Parliamentarian, Peter Julian of Canada said, ''There is no doubt that under NAFTA, most Canadians are poorer. We have been fighting to make adjustments,'' he said, ''and now it is clear that NAFTA has to be replaced.'' It is not working for the vast majority of the inhabitants of North America. It has failed on the bottom line.

In anticipation of a summit that will be held in Ottawa in March 2007, called the ''Three Amigos Summit,'' our group will create a North American secretariat to prepare for counter information and counterproposals and introduce simultaneous legislation in this chamber in Ottawa and in Mexico City to replace NAFTA. We will build opportunities for public engagement in civil society across this continent on the issue of proper continental integration.

Mr. Speaker, a new charter for the people of the Americas is being drafted, one that will result in more democracy, more cooperation, more development for rising standards of living, not more loss of jobs and greater trade deficits.

NEW IMMIGRATION LAWS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I thank you for allowing me to be here tonight and for allowing me to address this House on an issue that I feel is probably a life-changing issue to the United States of America. It is a life-changing issue for what is somewhere estimated to be between 11 and 15 million people who have entered and are living in this country illegally. And it is a life-changing issue, I think, for every American.

As we are in a time of concern about national security and great expenditures on homeland security, we have got a crisis on our border. I am not going to go too much in detail about this crisis, because anybody that turns on the television these days can see pictures of hundreds of people storming past our border patrols on our southern border as they leave Mexico. Most of those pictures come from Arizona.

In the last about 9 months, I have visited the Texas border on three occasions. Twice I went down to Laredo and visited with the border patrol and all those persons involved in immigration in the Laredo section of the Texas border. This past weekend, I went with the deputy whip, ERIC CANTOR, down to El Paso, and with other members of a congressional delegation, to discuss the issue of what is going on in the El Paso sector of the Texas border.

We have got an estimated 16,000 people crossing our border every night or every day coming into the United States. These are 16,000 people most of whom are not caught and most of whom are entering this country, for what purpose we know not, Mr. Speaker. We can't presume that every one of them, as has been just a moment ago described, are poor impoverished workers coming here looking for a job. Many of them are. But we don't know who these people are, and we don't know why these people are here in every instance, because we have done nothing to inquire as to their purpose or who they are or what they are coming up here for because our system has been overwhelmed.

We are now going into conference, the House and Senate, with our colleagues over in the Senate, on two versions of what we think needs to be done to address the issue that is facing this Nation right now on immigration. I want to propose to this House and to the Members of this House that we have already addressed many of the issues in 1986 in a bill, that I am aware the Speaker here tonight was involved in.

Mr. Speaker, I have looked at that. I have actually gone out and pulled up the law and looked at what we are operating under today, and I find it is very curious that there is a lot of very good enforcement procedures in this bill, the 1986 bill. There are things in that bill, if they had been done and done correctly, we would not be addressing this massive intrusion across our southern border.

But what has happened? What reason has this gone on? My whole point of this speech here tonight is to say it is time for us, I think, to slow down and address a life-changing issue in detail and see where the system has been overwhelmed in the past and make sure that we don't make the mistake that I think democracy makes a lot in the legislative process of taking something, sticking a bunch of new patches on it, and hoping it will solve the problem. Patches on an old used tire almost inevitably start to leak at some point in time, and then rupture, and the tire goes flat.

I think when it comes to immigration laws, it is time to buy a new tire, not just put in a patch tube or stick patches on the tire. We need to look at our immigration laws of this country from top to bottom and in a very businesslike and studious manner, come up with solutions for the problems that are going to face the people that I have described here tonight.

There is estimated, as I said, 11 to 15 mile people that have come into this country. The other day we were on the border in a place where there was a triple fence and a ditch at our border.

□ 2330

A very interesting aside, it was explained to us in El Paso, the construction of that fence and ditch, which has been there now quite awhile, but when that was put up, street crime in El Paso dropped so substantially that El Paso went from one of the worst street crime cities in the Nation of a population of over 500,000 and less than a million, to today, after construction of the fence, street crime in El Paso, Texas, has improved so drastically it is now the third safest city of that size in the United States. And that is clearly reflected by everyone in law enforcement in that town as a result of 17 miles of fence in the populated area of El Paso.

So the proposals for fencing that the House bill has, for instance, fencing in the populated areas, have an effect on the lives of the people that live in that

city. The people who go to work, take their kids to the park, to school, are safer in El Paso, Texas, because of 17 miles of fence.

Now about 60 people a night still try to cross that fence. They catch most of them.

In the conversation somebody asked: How many didn't you catch? They said that would be speculation, and they weren't going to speculate because that wouldn't be proper. One of the comments behind me was we know somewhere between 11 and 15 million they didn't catch. That is what we have to look at as we look at this thing.

The system we have today has totally failed. It can be blamed on every administration since this bill was passed that they did not either provide the resources or the bureaucrats were overwhelmed by the problem; and when overwhelmed, just did not address it. Or addressed it in a minimum amount.

Now, I think by that experience that we have had, and we learn from experience, we should know that overwhelming the system will cause the system to shut down and not work. The Senate bill, I would propose the things that we have heard, and unfortunately I have not been able to get a copy of what they are proposing yet, but I will be back on this House floor to discuss it when I get it, but some of the things that they are proposing, and with all due respect to the Senate, I would like to say that I do not think they have thought out some of the things that they have done here.

If we have a system that cannot process effectively, that clearly has not processed protection of our borders for people trying to come into this country illegally, how can we take that system and dump between 11 and 15 million people into that system to try to come up with an amnesty for them? How can we process them with the people we have in the immigration department? If it is overwhelmed today, how can we dump that many people in the system and expect it not to be overwhelmed tomorrow?

If the idea that you might get amnesty increases our border crossings from the approximately 2 to 3 million people that were dealt with during the Reagan administration to the 11 to 15 million people that are here today, how can processing those people and the additional waves that will come across without border security, how can the system but be overwhelmed by that process?

The citizenship issue is very interesting. Americans who are qualified to be in this country legally are making application for citizenship, are finding unbelievable delays in the processing that goes on through our immigration department so that they can meet the qualifications of citizenship. In fact, some of that processing is as much as 6 years behind.

In the San Antonio office, those trying to bring people into this country legally are finding delays from 18 months to 10 years to bring people into this country legally. Background checks, which we have about 200 to 250 cases in my office alone, requesting background checks on the process of bringing someone to this country, in the San Antonio office we have been told they are processing 1998, 1999 and 2000 cases. This is 2006. So in the best-case scenario, they are 6 years behind; and in some cases they are 7 and 8 years behind.

How can that system do background checks on 15 million people or 11 million people that are currently in this country to make sure that their background is such that they should be allowed to remain in this country and be American citizens? How can that system even take 2 to 300,000 people in a guest worker program and do the background check processing to make sure that the people coming in as guest workers are safe for our American citizens? Even that number, what will that do to the background checks being required?

And let's not forget that we also require that every person wishing to come into the United States as an immigrant must have a medical exam to make sure that they are not bringing communicable diseases or other illnesses into this country that we want to prevent from coming into this country. Without even going into the possibility of a pandemic if there should become an avian flu pandemic from the avian flu virus, and it is estimated there could be the death of 200 million people as a result, let us just look at the fact that the World Health Organization has told us that there is a strain of tuberculosis in Mexico and South America that right now we can't cure with our existing drugs to stop tuberculosis because it has mutated to a point we cannot cure this form of tuberculosis.

How do we know about the health of these people that are here and those people wanting to come here in the program that the Senate has? We have to know. If we have to know, we have to process them. If we are already overwhelmed, how are we going to be able to meet the demand that is going to come to the system?

What do we know that happens when we overwhelm the system? We know nothing happens when we overwhelm, and we remain with the status quo.

I would argue that is the result of what happened to what was a good bill in 1986. When I go to Texas and I am addressed by many members of the press, they ask me what about making these people's behavior illegal.

You know, Mr. Speaker, maybe I am a little different, but I kind of grew up in a system when you talked about the law, you checked the law to see what is in it. I found, and you will hear that being in the United States illegally, in other words they have caught you after, and they can't identify that you came across the border illegally, that is a civil process and has a process for removal. But what you do not read is if you are caught coming across the border, it is an illegal process. It is illegal to enter the United States in any form or fashion without proper identification.

First crossing carries a possibility of a fine and up to 6 months incarceration. But normally and properly, most of these people are just removed.

Harboring an undocumented alien under the bill we are operating under now carries a fine and imprisonment of up to 5 years.

Alien smuggling carries a fine and imprisonment of up to 10 years. Any crime that causes serious bodily injury or places the life of anybody in jeopardy, and that includes the person being transported, it carries a penalty and fine of up to 20 years' imprisonment.

If criminal smuggling or harboring results in the death of any person, the penalty includes life in prison. This is the law today, right now what is on the books.

Felony charges punishable by fines and imprisonment of not more than 2 years are applicable to reentry. So if you have come in once and you have been caught and documented and you are caught reentering, you can get up to 2 years in prison or jail.

Reentry after a previous nonaggravated felony or three misdemeanor entries or convictions results in a fine and imprisonment of up to 10 years.

So those who say, why is the bill that the House passed wanting to criminalize this activity, we are not criminalizing the activity. It is already criminal. We need to make ourselves very clear. Having evidence that you crossed the border illegally, acceptable, provable evidence, which is basically catching you doing it, can result in the penalties in the various categories that I just read. This is illegal behavior. Let's not kid ourselves about what this is.

What have been some of the solutions we have come up with that are overwhelming the system? One is removal by deportation. You know, one of the things that I think is of most concern to people when they hear about it is what they call in the immigration business, in the border business, OTMs, people from other than Mexico.

Let me stop right here and say this because it is a question that comes from my Hispanic counsel, and I want to say that everything I am saying about the southern border I also agree with on the northern border. Just recently, very recently from the time I am talking right now, we found a major terrorist cell planning major attacks in Ottawa, Canada. There are bad guys to the north of us, and there may be bad guys to the south of us.

When we are talking about this, we are talking about illegal immigration, whether it be from Canada or Mexico, comes in on a ship or airplane. It is anyone who violates the law and overstays their welcome and hides out

and is of concern to every American citizen that is here.

Mr. Speaker, we need to realize that putting a patch on a system that already works, and that patch includes the possibility of dumping between 200,000, 300,000 people, or up to 15 million people into an overwhelmed system, is basically going to result in the same results we have had since 1986: nothing is going to get done.

Now I would argue to this House that I believe there is a great degree of experience and intelligence in both the House and Senate; and well-intentioned people on both sides of the aisle, if given the opportunity to study in detail and look where the holes are, without knee-jerk reacting and being in a hurry, we can come up with a plan and the resources necessary to implement that plan so we can actually do what we are setting out to do, and that is protect our Nation from intrusions across our border and protect the sovereignty of the United States and deal fairly and equitably and compassionately with the people who are involved in this behavior.

Mr. Speaker, let me make myself extremely clear. I do not intend to support nor do I support rewarding illegal behavior. I spent 20 years of my life punishing illegal behavior as a district judge in Texas. And those people who know the county I come from, Williamson County, know that Williamson County judges and juries punish severely criminal behavior. Maximum sentences are fairly well the norm in the county that I come from.

So I certainly am not going to change careers to Congress and start rewarding criminal behavior.

□ 2345

And I am very concerned that some of the things that are coming to us in the Senate bill are rewarding criminal behavior, especially as you compare it to those people who are fighting this broken process of coming in here legally, because they are going to get to have sneaked across the border, hid out long enough that they get in line for citizenship, in some form or fashion, whatever delays and punishment or fines or back taxes or whatever you impose upon them, they are still getting a reward for criminal behavior.

So I think as we design a system we need to take that into account and realize that we can do and deal with these families and these people compassionately. We can make commonsense decisions as to how to handle, for instance, the problem of children who are born to a family of illegals who are now American citizens and how we would deal with that. And common sense would say that would take special categories and special dealings. But Mr. Speaker, my experience in Texas, and I think the experience of anyone who has lived in a State where this issue has been for my entire life. This is not something that I have been dealing with, as some States have, for the last 8 or 10 years. In the State of Texas, the issue of illegal aliens coming across our border has been with us since my birth, and so we are very familiar with these people and we know, many of them are great people, Godfearing people who work very hard. And I am proud to say that I have worked side by side building fence with people who I knew were illegal immigrants. And I will tell you they are hard working good people, the ones that I have encountered. This has nothing to do with being against those people. I am against rewarding illegal behavior.

I have talked about some of the things that will overwhelm the system, the processing of amnesty, the processing of this ID card which we can do, and I agree we can do, but the processing in the present system will overwhelm it. The process of the whole guest worker program and what it takes to get the people properly documented so they can do this is going to require a tremendous amount of additional work on those who are in charge of that system. And are we providing for them? Are we going to be ready for that? Can we deal with that? We are not ready for that. We have got to address that more in detail.

The background checks, I can't tell you how far behind that is going to get, but it is going to get 10 or 15 years behind. The health checks should be and necessarily need to be required.

Some of the provisions that really have upset people back in Texas that I have talked to, and let me say, I have not talked to a single person, and I have talked to a bunch of them, that live in Texas that aren't completely overwhelmed by the Senate version that has been passed and just totally against it. One example is, I understand the Senate has a provision for retroactive Social Security payment to illegals.

Now, you tell that to Texas teachers, or for that matter, Federal employees, who don't get their Social Security by the nature of their retirement, that they are going to reward people who broke our laws on multiple occasions by giving them retroactive Social Security. I am telling you, I have got some teachers that are fighting mad about that issue in Texas. And I think if the Federal employees, which make up the vast majority of the people who are in that hole that don't get their Social Security, will also be very concerned about the fact that we are offering to give people who broke our laws Social Security, when people who have abided by the laws, at least in their opinion, feel like they have been deprived of money they paid into the Social Security system.

You know, when you come in here legally, there are some things you have to do. My wife is a legal immigrant to the United States and now an American citizen, so no one should ever accuse me of being anti immigrant. I married one. I have four children with one, four living children with my beautiful wife.

My district director is married to a Canadian. They have two children. It took us 18 months to get his wife from Canada to Texas, doing it legally. Now, she could have hopped in her car, with that blonde haired, blue eyed, almost golf pro from Canada, she was probably one of the top amateur golfers in the country, a scholarship athlete at a university in the United States and went back home and had her children, and now we had to get them out of Canada to be with her husband in Texas. It took us 18 months. And she cannot work at all by agreement for a year. And then she can apply to possibly go to work, but maybe they won't let her work for the next year. She has to register and reapply every year annually to maintain her status in the United States. This is a person whose background check showed she never even had a parking ticket in her life, much less anything. But the background check took forever.

A person who flew from Northern Saskatchewan to Montreal to have her interview with the Immigration Department and flew back. She went through all the hoops to come in here. She is denied employment for a year. She has to register every year. She is required to have a sponsor who will stand up and say they will be responsible for the expenses that she might incur so that she will not be put on the welfare system of our country.

And yet, people who come in here illegally are taking advantage of every program that is out there, including an overwhelming of our hospital system. You know, we all would like to have free medical care in this country, but there are some who have it, and many of those people are not citizens of this country. And there is a something out of whack on that, Mr. Speaker.

And let me say, I want to preface all this by saying, I am compassionate for the people that are here and I care about them. And I think this system so overwhelms our system, what the Senate is proposing, that it is going to overwhelm these shy people. And let me tell you, most of them are very shy and staying in the shadows because they know they are here illegally. And if anything is too much for them, I do not expect them to participate.

I will also tell you, Mr. Speaker, having talked to many illegal immigrants about where they come from, what they are here for, there are many of these people that didn't come here for citizenship and don't care to get it. So citizenship is not going to be a plum that brings them out of the shadows.

The fact that the Senate has put a provision in on prevailing wage shows that they really don't understand why people have hired these folks from Mexico and from Honduras and Guatemala and Nicaragua and all points south. If they needed to hire somebody for prevailing wage to pick fruits in the central valley of California, if they

were going to pay, if the pickers intended to pay prevailing wage, which by every interpretation of the 22 Federal contracts that I have worked on as a lawyer in my lifetime, and at least the five cases that I can recall that were before my court, prevailing wage, no matter whether you mention Davis Bacon or not, is presumed to fall under the provisions of Davis Bacon and the rulings made by the Labor Department as to which each region has as prevailing wage.

And believe me, Mr. Speaker, minimum wage is not there. I can tell you that anywhere in the valley, Rio Grande Valley you can pour a slab for minimum wage. But if you are under a Federal contract, you will pay at least three times what you can pour any slab for in the valley, because the Davis-Bacon Act and the prevailing wage provision requires that kind of expense.

So, by putting that in there, right there, there are going to be a lot of people that say I don't want any part of that because I am going to lose my job if my employer is required to pay that kind of wage to me. So I will stay right here. And if they do try to get that wage, I think, unfortunately, there are people, even with employer sanctions, that are still going to be looking for that next wave of illegal immigrants to come across our southern border.

So, with all these problems, I would like to propose to this House that we consider doing this right. All these issues as to the people that are already here illegally, and the people that are coming across every night, and the people who would be willing to come over here as part of a work program, all of these issues need to be, we need to step back and look at all the holes that is in what we are proposing today and try to figure out how we can put together a system that will really work to solve these problems.

So I propose that the House bill and those Senate provisions which enhance border security that are in the Senate provision, Senate bill, should be what we pass out of conference to this floor to be voted into law today. And I would also propose, Mr. Speaker, that in that bill, we give a pledge, you can call it a contract with the immigration community, that we will expedite a study and solution that works, that doesn't overwhelm, that has the resources to make this whole system work over the next 12 to 18 months as a dedication of this House to fix this problem correctly, not 2 weeks debate in the Senate, and put patches on a leaking tire.

Mr. Speaker, if we will calm down, defend our borders and address each of these issues in an appropriate order to come up with sanctions for employers and means to identify these people that have a valid reason to working and a valid card, some kind of biometric thing, if we will create those things, and as we do it, say, and how is this system going to work and maybe we have to do something else to make that system work. Does it take an FBI agent to do every background check? I think that is a question that needs to be addressed.

I think there are a lot of questions that are coming up in what I would consider a rushed decision to judgment on immigration, and we are still leaving the base of what we call legal immigration totally and completely unworkable. And many of our work visa programs that we have in this country that want to bring this some of the technical workers that we really need here are overwhelmed also to the point where they become unmanageable for the people involved.

With this, I propose, Mr. Speaker, that we think hard about giving a pledge to the American people and to the immigrant community that we will work out a workable system fair to Americans and fair to those people that are here. I don't know what it will be. I have ideas. There are many great men and women in this House and in the Senate who have good ideas too. And we can study those ideas, bring in experts, get the real numbers, know what the real problems and the real solutions to these problems, slow down and do it right because, Mr. Speaker, if we don't do it right, nothing will change in the immigration policy of this country, and nothing will change on our borders. And that is a fear that I, quite frankly, do not think the American people are willing to live with.

And finally, Mr. Speaker, with all those thoughts about immigration, you and I know, as I know you well, you are very concerned about the security, the homeland security of this country. And Mr. Speaker, all of that has to be planned in here so we know who is coming and who is not and who we didn't catch and how to hunt them down so the terrorists and the people who would do us harm or just the common criminals who come here to steal, rob, rape, pillage and whatever they plan to do, we know them, we can find them, we can incarcerate them, we can give them a fair trial like we give everybody that is inside the continental United States or subject to our jurisdiction and deal with them properly. But the unknown is intolerable.

So Mr. Speaker, I realize the hour is late, and the reason I am here late is because I think this message is so very important to the American people. Let's pass border security and let's make a proper effort to come up with a solution to these problems, not a patch.

And with that Mr. Speaker, thank you for being here with me tonight and thank you for the late hour.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Ms. PELOSI) for today on account of illness in the family.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for June 6 and until 5:00 p.m. on June 7 on account of personal business.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today after 8:00 p.m. and June 9 on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MARKEY) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. SODREL, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 193. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.) the House adjourned until tomorrow, Friday, June 9, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7902. A letter from the State Director, Department of Agriculture, transmitting the Department's report entitled, ''Community and Business Programs Project List'' cumulative through September 30, 2005; to the Committee on Financial Services.

7903. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of proposed legislation concerning improvements to the rules designed to reduce lead-based paint in housing; to the Committee on Financial Services.

7904. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's authorization request for fiscal years 2007 and 2008, pursuant to 31 U.S.C. 1110; to the Committee on Financial Services.

7905. A letter from the Secretary, Department of Energy, transmitting a report on the implementation of section 1610(b) of the Energy Policy Act of 1992, as amended by the Energy Policy Act of 2005, which calls for the establishment of a cabinet-level Committee on Climate Change Technology chaired by the Secretary of Energy; to the Committee on Energy and Commerce.

7906. A letter from the Deputy Chief Financial Officer, Department of the Treasury, transmitting a copy of the Department's Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2005, pursuant to 42 U.S.C. 13211-13219; to the Committee on Energy and Commerce.

7907. A letter from the Architect of the Capitol, transmitting a written statement of actions taken on the Government Accountability Office report, ''Architect of the Capitol: Addressing Staffing and Training Issues Is Important for Efficient and Safe West Refrigeration Plant Operations,'' pursuant to 31 U.S.C.720; to the Committee on House Administration.

7908. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act,'' related to certain settlements and injunctive relief; to the Committee on the Judiciary.

7909. A letter from the Staff Director, United States Sentancing Commission, transmitting a copy of the 2004 Annual Report and Sourcebook of Federal Sentancing Statistics, pursuant to 28 U.S.C. 994(w)(3); to the Committee on the Judiciary.

7910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-24252; Directorate Identifier 2006-NM-062-AD; Amendment 39-14528; AD 2006-05-11 R1] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 500, 700, and 800 Series Turbofan Engines; Correction [Docket No. FAA-2006-23604; Directorate Identifier 2005-NE-49-AD; Amendment 39-14498; AD 2006-05-01] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-200 and -300 Series Airplanes [Docket No. FAA-2006-23870; Directorate Identifier 2005-NM-022-AD; Amendment 39-14575; AD 2006-09-05] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 900EX Airplanes [Docket No. FAA-2006-23886; Directorate Identifier 2005-NM-255-AD; Amendment 39-14574; AD 2006-09-04] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747-400D, 747-400D, and 747SR Series Airplanes [Docket No. FAA-2005-23358; Directorate Identifier 2005-NM-206-AD; Amendment 39-14576; AD 2006-09-06] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2006-23762; Directorate Identifier 2005-NM-226-AD; Amendment 39-14580; AD 2006-09-09] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2006-23820; Directorate Identifier 2005-NM-249-AD; Amendment 39-14578; AD 2004-03-15 R1] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes; and A340-541 and A340-642 Airplanes [Docket No. FAA-2005-22973; Directorate Identifier 2004-NM-67-AD; Amendment 39-14577; AD 2006-09-07] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and A310-300 Series Airplanes [Docket No. FAA-2005-22739; Directorate Identifier 2005-NM-098-AD; Amendment 39-14583; AD 2006-09-12] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100 and A320-200 Series Airplanes; and A320-111 Airplanes [Docket No. FAA-2006-23948; Directorate Identifier 2005-NM-246-AD] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-233-AD; Amendment 39-14585; AD 2006-10-01] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-22624; Directorate Identifier 2004-NM-81-AD; Amendment 39-14586; AD 2006-10-02] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7922. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters [Docket No. FAA-2006-24518; Directorate Identifier 2006-SW-10-AD; Amendment 39-14569; AD 2006-08-12] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes [Docket No. FAA-2005-23313; Directorate Identifer 2005-NM-111-AD; Amendment 39-14573; AD 2006-09-03] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7924. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-24586; Directorate Identifier 2006-NM-100-AD; Amendment 39-14579; AD 2006-09-08] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7925. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes Equipped with Pratt & Whitney Engines [Docket No. FAA-2006-24557; Directorate Identifier 2006-NM-082-AD; Amendment 39-14572; AD 2006-09-02] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7926. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-23441; Directorate Identifier 2005-NM-199-AD; Amendment 39-14571; AD 2006-09-01] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7927. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-24364; Directorate Identifier 2004-NM-272-AD; Amendment 39-14534; AD 2006-07-07] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7928. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365 N1, AS-365 N2, N3, SA 366 G1, and EC-155B and B1 Helicopters [Docket No. FAA-2006-24588; Directorate Identifier 2006-SW-07-AD; Amendment 39-14581; AD 2006-09-10] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7929. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No. FAA-2005-20591; Directorate Identifier 2005-CE-14-AD; Amendment 39-14565; AD 2006-08-09] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7930. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-401, AT-401B, AT-402, AT-402A, and AT-402B Airplanes [Docket No. FAA-2006-23646; Directorate Identifier 2006-CE-05-AD; Amendment 39-14563; AD 2006-08-08] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7931. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. FAA-2004-19220; Directorate Identifier 2004-CE-27-AD; Amendment 39-14568; AD 2006-08-11] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat (formerly Farner); Cabin Attendant Seats Series 150 type FN and Series 151 type WN [Docket No. FAA-2005-22109; Directorate Identifier 2005-NE-32-AD; Amendment 39-14557; AD 2006-08-03] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7933. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0100 Airplanes [Docket No. FAA-2006-24429; Directorate Identifier 2006-NM-003-AD; Amendment 39-14559; AD 2006-08-05] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7934. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GIV-X and GV-SP Series Airplanes [Docket No. FAA-2006-24438; Directorate Identifier 2006-NM-061-AD; Amendment 39-14560; AD 2006-04-13 R1] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7935. A letter from the Administrator, FRA, Department of Transportation, transmitting the Department's report entitled, ''Pilot Programs for Emergency Notification Systems (ENS) at Highway-Rail Grade Crossings,'' pursuant to Public Law 103-440, section 301(a); to the Committee on Transportation and Infrastructure.

7936. A letter from the Commissioner, Social Security Administration, transmitting the 2006 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

7937. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's report entitled, ''Determining Average Manufacturer Prices for Prescription Drugs under the Deficit Reducation Act of 2005''; jointly to the Committees on Energy and Commerce and Ways and Means.

7938. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2005; jointly to the Committees on the Judiciary and House Administration.

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. McKEON: Committee on Education and the Workforce. H.R. 5293. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; with an amendment (Rept. 109–493). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 4939. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–494). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H.R. 5553. A bill to amend section 115 of title 17, United States Code, to provide for licensing of digital delivery of musical works, and for other purposes; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself, Mrs. MILLER of Michigan, Mr. WICKER, and Mr. TIAHRT):

H.R. 5554. A bill to amend the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977 to prohibit the promulgation of safety and health standards that do not meet certain requirements for national consensus standards; to the Committee on Education and the Workforce.

By Mr. BURGESS (for himself and Mr. GENE GREEN of Texas):

H.R. 5555. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. WYNN, Mrs. BONO, Mr. ENGLISH of Pennsylvania, and Mr. MELANCON):

H.R. 5556. A bill to establish a unified national hazard alert system, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, 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. SHAYS (for himself and Mr. DEFAZIO):

H.R. 5557. A bill to promote the humane treatment of farm animals; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself, Mr. YOUNG of Alaska, Mr. MICA, Mr. BAKER, Mr. DEFAZIO, Mr. GARY G. MILLER of California, Ms. BERKLEY, Mr. SHUSTER, Mr. BOOZMAN, Mr. WESTMORELAND, Mr. BOUSTANY, Mr. PETERSON of Minnesota, Mr. AKIN, Mr. DAVIS of Tennessee, Mr. SCOTT of Georgia, Mr. NEUGEBAUER, Mrs. BLACKBURN, Ms. HARRIS, and Mr. SESSIONS):

H.R. 5558. A bill to amend the Federal Water Pollution Control Act to provide more effective permitting and enforcement mechanisms for stormwater discharges associated with residential construction activity; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Wisconsin (for himself, Mr. SESSIONS, Mr. MOORE of Kansas, and Mr. HERGER):

H.R. 5559. A bill to improve the exchange of health information by encouraging the creation, use, and maintenance of lifetime electronic health records in independent health record banks, by using such records to build a nationwide health information technology infrastructure, and by promoting participation in health information exchanges by consumers through tax incentives; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN:

H.R. 5560. A bill to amend title 49, United States Code, to limit fees imposed in connection with background checks for the issuance of licenses to operate a motor vehicle transporting a hazardous material, and for other purposes; to the Committee on Homeland Security, 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 Mr. ANDREWS (for himself and Mr. RENZI):

H.R. 5561. A bill to provide housing assistance for very low-income veterans; to the Committee on Financial Services, and in addition to the Committees on Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. PASCRELL, Mrs. MALONEY, and Mr. MICA):

H.R. 5562. A bill to direct the Joint Committee on the Library to obtain a statue of Constantino Brumidi for display in the Capitol Visitor Center; to the Committee on House Administration.

By Ms. DELAURO (for herself, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. EMANUEL, Mr. FATTAH, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Ms. LEE, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. WAXMAN):

H.R. 5563. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Energy and Commerce.

By Ms. HERSETH:

H.R. 5564. A bill to facilitate economic growth and development and to promote Tribal sovereignty, by encouraging a dramatic increase in the number of individuals

with higher education degrees working within and for Indian Country; to the Committee on Education and the Workforce.

By Ms. HERSETH:

H.R. 5565. A bill to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program; to the Committee on Resources.

By Ms. HERSETH:

H.R. 5566. A bill to facilitate the transfer of Spearfish Hydroelectric Plant Number 1 to the city of Spearfish, South Dakota, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO:

H.R. 5567. A bill to clarify the classification of certain high-density fiberboard, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5568. A bill to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Armed Services.

By Mr. KIRK (for himself and Mr. ANDREWS):

H. Con. Res. 425. Concurrent resolution expressing the sense of Congress that the crisis regarding Iran's nuclear program should be resolved primarily through diplomatic means; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mrs. CAPPS, Mr. DELAHUNT, Mr. CASE, Mr. FARR, Mr. DAVIS of Florida, Ms. PELOSI, Mr. GILCHREST, Mr. GEORGE MILLER of California, and Ms. ESHOO):

H. Res. 856. A resolution recognizing the national marine sanctuaries program as critical to managing the ocean and Great Lake resources of the United States, and commending local and State partners and volunteers of the program for their contribution; to the Committee on Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

321. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 35 memorializing the Congress of the United States to take such actions as are necessary to continue funding and operation of the United States Department of Agriculture's Agricultural Research Service located in Baton Rouge, Louisiana; to the Committee on Agriculture.

322. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 27 urging the Congress of the United States to protect the rights of all American women to receive equal pay for equal work, and to continue to provide effective remedies to victims of discrimination in the payment of wages on the basis of sex; to the Committee on Education and the Workforce.

323. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6019 memorializing the Congress of the United States, the Department of Education and the Kansas State Board of Education concerning the No Child Left Behind Act; to the Committee on Education and the Workforce.

324. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 60 urging the Congress of the United States to provide states with the necessary funding to implement the goals of the No. Child Left Behind Act of 2001 and other education-related programs and to offer states waivers or exemptions from related regulations when federal funding for elementary and secondary education is decreased; to the Committee on Education and the Workforce.

325. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 61 urging the Congress of the United States to support changes to the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

326. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 103 urging the Congress of the United States and the Department of Education to support the goals of the No Child Left Behind Act (NCLB) by increasing funds for federal education initiatives and affording more flexibility to states in relation to NCLB; to the Committee on Education and the Workforce.

327. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 616 recognizing the month of May 2006 as ''Amytrophic Lateral Sclerosis Awareness Month'' in Pennsylvania andurging the Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and a cure for ALS; to the Committee on Energy and Commerce.

328. Also, a memorial of the General Assembly of the State of Vermont, relative to House Joint Resolution No. 76 urging the Congress of the United States to promote and diversify the automotive and machine-tool sectors of our national economy; to the Committee on Energy and Commerce.

329. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution No. 13 condemning the genocide in the Darfur region of Sudan and calling upon the President, the State Department and the Congress of the United States to unite the international community to end the genocide in Darfur; to the Committee on International Relations.

330. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution No. 122 requesting the Congress of the United States give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations; to the Committee on International Relations.

331. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 15-33 expressing support for the passage of S. 1954, the Insular Possessions Act of 2005; to the Committee on Ways and Means.

332. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 41 memorializing the Congress of the United States to redirect and make available to Louisiana federal contingency funds that were set aside through the Temporary Assistance For Needy Families (TANF) Emergency Response and Recovery Act of 2005 to be drawn by states receiving and hosting residents of Louisiana, Alabama, and Mississippi that were displaced by Hirricane Katrina and Hurricane Rita which remains used; to the Committee on Ways and Means.

333. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5042 urging support of the ''25 x 25'' initiative; jointly to the Committees on Agriculture, Energy and Commerce, and Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LOBIONDO:

H.R. 5569. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1998 through 2000; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 5570. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1998 through 2004; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 5571. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1997 through 2005; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 5572. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 2000 through 2005; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BOUSTANY, Ms. MCKINNEY, Mr. MELANCON, and Mr. HAYWORTH.

H.R. 25: Mrs. DRAKE.

H.R. 180: Mr. FRANKS of Arizona.

H.R. 215: Mr. BISHOP of New York and Mr. BOEHLERT.

H.R. 269: Mr. LOBIONDO.

H.R. 311: Mr. FRANK of Massachusetts.

H.R. 552: Mr. JINDAL.

H.R. 615: Mr. HAYWORTH.

H.R. 697: Mr. KENNEDY of Minnesota.

H.R. 713: Mr. LUCAS.

H.R. 752: Mr. WYNN.

H.R. 817: Mr. POMEROY, Mrs. JONES of Ohio, Ms. HART, and Mr. WELDON of Florida.

H.R. 838: Mr. PAYNE and Mr. BOUCHER.

H.R. 874: Mr. BURGESS and Mr. PEARCE.

H.R. 910: Ms. MCKINNEY.

H.R. 998: Mr. TIAHRT.

H.R. 1002: Ms. WASSERMAN SCHULTZ.

H.R. 1128: Mr. SESSIONS.

H.R. 1188: Mr. WYNN, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. LEWIS of Georgia, and Mr. MILLER of North Carolina.

H.R. 1241: Ms. BERKLEY.

H.R. 1245: Mr. GENE GREEN of Texas, Mr. FATTAH, Mr. HAYWORTH, and Mr. BOOZMAN.

H.R. 1248: Mr. HERGER.

H.R. 1351: Mr. BROWN of Ohio.

H.R. 1471: Mr. TURNER.

H.R. 1595: Mr. HOYER.

H.R. 1690: Mr. TOWNS.

H.R. 1816: Mr. PEARCE and Mr. HERGER.

H.R. 1849: Mr. COSTELLO and Mr. BLUMENAUER.

H.R. 2037: Mr. HOLDEN and Mr. BRADLEY of New Hampshire.

H.R. 2177: Mr. FITZPATRICK of Pennsylvania.

H.R. 2357: Mr. FORBES.

H.R. 2369: Mr. WAXMAN and Mr. TERRY.

H.R. 2421: Mr. LEWIS of Georgia and Mr. NEAL of Massachusetts.

H.R. 2646: Mr. CLEAVER.

H.R. 2683: Mr. DOGGETT.

H.R. 2808: Mr. INSLEE, Mr. HIGGINS, Mr. WHITFIELD, Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. GERLACH, Mr. SIMMONS, Mr. CARTER, Mr. ALEXANDER, Mr. REHBERG, Mr. TIAHRT, Mr. WELDON of Florida, Mrs. EMERSON, Mr. BONILLA, Mr. LATHAM, Mr. SIMPSON, Mr. BOYD, Mr. SWEENEY, Mr. GOODE, Mr. PETERSON of Pennsylvania, Mr. HOBSON, Mr. WICKER, Mr. LEWIS OF GEORGIA, Mr. HOYER, and Mr. FARR.

H.R. 3006: Ms. VELÁZQUEZ and Mr. BECERRA.

H.R. 3307: Mr. GORDON, Mr. PAYNE, and Mrs. MALONEY.

H.R. 3352: Mr. FERGUSON.

H.R. 3360: Mr. FOLEY.

H.R. 3361: Mr. ENGLISH of Pennsylvania.

H.R. 3413: Mr. NEY.

H.R. 3436: Mrs. DRAKE.

H.R. 3478: Mr. OWENS.

H.R. 3762: Mr. MICHAUD.

H.R. 3986: Mr. MCDERMOTT.

H.R. 4033: Mr. INSLEE, Mr. MILLER of North Carolina, Mr. MCKEON, and Mr. LATHAM.

H.R. 4050: Mr. KENNEDY of Minnesota.

H.R. 4184: Mr. BUTTERFIELD.

H.R. 4212: Mr. VAN HOLLEN, Mr. MCDERMOTT, and Mr. INSLEE.

H.R. 4235: Mr. UDALL of Colorado.

H.R. 4318: Mr. DOYLE and Mr. ROGERS of Michigan.

H.R. 4341: Mr. FRANKS of Arizona.

H.R. 4452: Mr. WELDON of Pennsylvania and Mr. SCHWARZ of Michigan.

H.R. 4547: Mr. HENSARLING.

H.R. 4560: Mr. BOOZMAN.

H.R. 4562: Mr. WAXMAN, Mr. SHAYS, Mr. CUMMINGS, Mr. GALLEGLY, Mr. NADLER, Mr. GORDON, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. SALAZAR, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TOWNS, Mr. WATT, Mr. WEINER, Mr. MILLER of North Carolina, Mr. SANDERS, Mr. MACK, Mr. BRADLEY of New Hampshire, Mr. PASTOR, Mr. GILCHREST, and Mr. GOODE.

H.R. 4593: Mr. FORD.

H.R. 4594: Mr. FORD.

H.R. 4595: Mr. FORD.

H.R. 4596: Mr. ABERCROMBIE and Mr. JEFFERSON.

H.R. 4725: Mr. MCHENRY, Mr. GINGREY, Mr. PUTNAM, Mrs. DRAKE, Mr. BURGESS, Mr. ENGLISH of Pennsylvania, Mr. LINDER, Mr. SODREL, Mr. FEENEY, Mr. PRICE of Georgia, and Mr. BLUNT.

H.R. 4746: Mr. PASTOR.

H.R. 4751: Mr. MCGOVERN and Mr. DOGGETT.

H.R. 4761: Mr. SHADEGG and Miss MCMORRIS.

H.R. 4857: Mr. REHBERG, Mr. NUNES, and Mrs. CUBIN.

H.R. 4892: Mr. ENGLISH of Pennsylvania.

H.R. 4894: Mr. DENT, Mr. OTTER, and Mr. BACHUS.

H.R. 4914: Mr. GRIJALVA.

H.R. 4962: Mr. WEINER, Mrs. KELLY, and Mr. OWENS.

H.R. 4985: Mr. BOSWELL and Mr. NEUGEBAUER.

H.R. 5005: Mr. DAVIS of Kentucky, Mrs. DRAKE, Mrs. EMERSON, Mr. HENSARLING, and Mr. HOLDEN.

H.R. 5013: Mr. MILLER of Florida, Mr. LINDER, Mr. KENNEDY of Minnesota, Mrs. BLACKBURN, Mr. ROGERS of Michigan, and Mr. BRADLEY of New Hampshire.

H.R. 5053: Mr. SODREL, Mr. WOLF, and Mr. FORD.

H.R. 5088: Ms. MOORE of Wisconsin, Mr. HONDA, and Mr. MCDERMOTT.

H.R. 5092: Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. DAVIS of Tennessee, Mr. MILLER of Florida, Mr. MATHESON, Mr. SCHWARZ of Michigan, Mr. BARRETT of South Carolina, Mr. BARROW, Mr. JENKINS, Mr. BOREN, Mr. ADERHOLT, Mr. WILSON of South Carolina, Mr. DOOLITTLE, Mr. ALEXANDER, Mrs. DRAKE, Mr. BISHOP of Georgia, Mr. EVERETT, Mr. KELLER, Mr. DAVIS of Kentucky, Mr. POE, Mr. BOYD, Mrs. EMERSON, Mr. BERRY, Mr. PLATTS, and Mr. MICHAUD.

H.R. 5099: Mrs. CUBIN.

H.R. 5106: Mr. CARDOZA, Ms. ROYBAL-ALLARD, Mr. PORTER, Mr. SALAZAR, Ms. WASSERMAN SCHULTZ, Mr. MOLLOHAN, Mr. PICKERING, and Mr. COSTA.

H.R. 5121: Ms. HART, Ms. BERKLEY, and Mr. DAVIS of Alabama.

H.R. 5159: Ms. CORRINE BROWN of Florida, Mr. SENSENBRENNER, Mr. GILLMOR, Ms. ESHOO, Mr. ETHERIDGE, Mr. CUMMINGS, Mr. MCGOVERN, Mr. KENNEDY of Minnesota, Mr. REGULA, Mr. SHAW, Mr. BOEHLERT, Mr. MOORE of Kansas, and Mr. COSTELLO.

H.R. 5171: Mr. JEFFERSON and Mr. STUPAK.

H.R. 5182: Mr. ROGERS of Alabama, Mr. CARTER, and Mr. AL GREEN of Texas.

H.R. 5189: Mr. MCINTYRE.

H.R. 5200: Mr. LOBIONDO, Mr. BISHOP of New York, and Mr. OTTER.

H.R. 5201: Mr. DAVIS of Alabama.

H.R. 5233: Mr. KILDEE and Mr. PAYNE.

H.R. 5288: Mr. PRICE of North Carolina, Mr. BOSWELL, Mr. SPRATT, and Mr. EMANUEL.

H.R. 5293: Mr. CASTLE, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. EHLERS, Ms. LEE, Ms. MATSUI, Mr. SIMMONS, Mr. RYAN of Ohio, Mr. DOGGETT, Mr. MCCOTTER, Mrs. BIGGERT, Mrs. MALONEY, Mr. MCHUGH, Mr. WU, Mr. LOBIONDO, Mr. HOLT, Mr. KIND, Mrs. CAPITO, Mr. KUHL of New York, Ms. KILPATRICK of Michigan, Mr. OSBORNE, and Mr. HALL.

H.R. 5317: Ms. FOXX and Mr. MCCOTTER.

H.R. 5321: Mr. RANGEL and Mr. CUMMINGS.

H.R. 5334: Mr. MCHUGH.

H.R. 5337: Ms. CARSON, Mr. ENGLISH of Pennsylvania, Mr. ISRAEL, Ms. MOORE of Wisconsin, and Mr. SHUSTER.

H.R. 5344: Mr. BLUMENAUER.

H.R. 5351: Mr. ISRAEL and Mr. ENGLISH of Pennsylvania.

H.R. 5356: Mr. GORDON, Mr. REICHERT, Mr. WYNN, Mr. BARTLETT of Maryland, and Ms. HOOLEY.

H.R. 5358: Mr. BONNER, Mr. GORDON, Mr. REICHERT, Mr. WYNN, Mr. BARTLETT of Maryland, and Ms. HOOLEY.

H.R. 5382: Mr. INGLIS of South Carolina.

H.R. 5388: Ms. JACKSON-LEE of Texas.

H.R. 5452: Mr. REHBERG.

H.R. 5455: Mr. SPRATT, Mr. BISHOP of New York, Mr. MOORE of Kansas, Ms. LORETTA SANCHEZ of California, Mr. MARSHALL, Mr. DAVIS of Tennessee, Mr. BOREN, Mr. CARDOZA, Mr. WEINER, Mr. EVANS, Mr. COSTELLO, Mr. MILLER of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, Mr. VAN HOLLEN, and Ms. HARMAN.

H.R. 5476: Mr. MILLER of Florida, Mrs. BLACKBURN, Mr. MCCOTTER, and Mr. NEUGEBAUER.

H.R. 5484: Mr. JINDAL, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. WAMP, Mr. AKIN, Mr. BISHOP of Utah, Mr. DOOLITTLE, Mr. SAM JOHNSON of Texas, Mr. WESTMORELAND, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. PENCE, Mr. GARY G. MILLER of California, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. GALLEGLY, and Mrs. MYRICK.

H.R. 5500: Mr. FEENEY, Mrs. BLACKBURN, Ms. FOXX, and Mr. MILLER of Florida.

H.R. 5520: Mr. COBLE, Mr. DANIEL E. LUNGREN of California, Mr. BOUSTANY, Mr. GILCHREST, Mr. POMBO, Mr. DOOLITTLE, Mr. PRICE of Georgia, Mr. ALEXANDER, Mr. RAMSTAD, Mr. PENCE, Mr. BONNER, Mr. CRAMER, Mr. PASTOR, Mr. SMITH of New Jersey, Mr. RAHALL, Mr. ENGLISH of Pennsylvania, and Mrs. MYRICK.

H.R. 5525: Mr. CUMMINGS and Mr. RUPPERSBERGER.

H.R. 5536: Mr. PETERSON of Minnesota.

H.R. 5538: Mr. EHLERS.

H.J. Res. 87: Mrs. CAPPS and Ms. DELAURO.

H. Con. Res. 338: Ms. BERKLEY.

H. Con. Res. 367: Mr. NORWOOD.

H. Con. Res. 402: Mr. BASS.

H. Con. Res. 412: Mr. SHAYS.

H. Con. Res. 419: Mr. TOWNS and Mr. RANGEL.

H. Res. 316: Mr. ENGLISH of Pennsylvania.

H. Res. 723: Mr. MICHAUD, Mr. LEVIN, and Mr. SERRANO.

H. Res. 745: Mr. WILSON of South Carolina.

H. Res. 800: Mr. MCCAUL of Texas, Mrs. BONO, and Mr. COBLE.

H. Res. 825: Mr. FRANK of Massachusetts.

H. Res. 826: Mr. WAXMAN, Mr. MORAN of Kansas, Mr. INGLIS of South Carolina, Mr. TOM DAVIS of Virginia, Mr. SMITH of Washington, Mr. HERGER, Mr. SULLIVAN, Mr. HOLDEN, Mr. RUSH, Mr. COSTA, Mr. DOYLE, and Mr. RYUN of Kansas.

H. Res. 852: Mr. SWEENEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2048: Ms. BALDWIN, Ms. DEGETTE, Ms. SCHAKOWSKY, and Mr. MARKEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5522

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 13: Page 138, beginning on line 12, strike ''indicted for'' and insert ''charged with''.

Page 138 line 14, strike '', unless'' and all that follows through ''United States'' on line 18.

H.R. 5522

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 14: Page 137, line 11, strike '', unless'' and all that follows through ''United States'' on line 15.

H.R. 5522

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

REDUCTION IN APPROPRIATIONS

SEC. 5xx. Appropriations made in this Act are hereby reduced in the amount of $213,000,000.

H.R. 5522

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to assist any foreign government in enforcing any religious law that has the effect of punishing a victim of sexual assault or rape.

H.R. 5522

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for activities that eliminate security protection for elected officials, particularly female elected officials, of foreign governments.

H.R. 5522

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' may be used to provide training to children under the age of 18 in military exercises or military combat initiatives.

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PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, JUNE 8, 2006 No. 72

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The PRESIDING OFFICER. I am very pleased today to have the prayer be given by our guest Chaplain from the great State of Michigan, Rev. Timothy Tuthill of the First United Methodist Church in Mason, MI.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty and Everlasting God, You created order out of chaos and have given us life and as we gather here today we are reminded of Your grace and trust in us all. Through Your wisdom, O God, You have shared out of Your abundance and gifted us with minds to think and a spirit to act. We are grateful for the opportunity to serve our country as elected leaders and servants. Guide our elected officials as they debate and discern and may our Senators seek Your great counsel and be mindful of the needs of our communities, States, country, and world.

In this time, let us be ready to stand firm and be guided by the principles that led the Founders of our country to pursue liberty and justice for all. Continue to be with all those who are in harm's way today and guide our Nation and world as we continue to look for peaceful ways to resolve conflict near and far. We ask this and all things in your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

KILLING OF AL-ZARQAWI

Mr. FRIST. Mr. President, the Senate just finished honoring our flag with the Pledge of Allegiance, an innovation we added to the Senate proceeding several years ago upon the suggestion and urging of our former colleague, Senator Bob Smith of New Hampshire. As we pay respect to those stars and those stripes, the news this morning of the events in Iraq bring new strength to the patriotism reflected by the Senate for that flag and, indeed, for our country.

Today, our military forces are to be commended for their dedication to eradicating the terrorist network in Iraq. Today's success in eliminating the terrorist, the butcher terrorist, the thuggish terrorist, al-Zarqawi, is a sure sign they are on the way to accomplishing that goal.

In my own visits to Iraq, I have had the opportunity to see firsthand the amazing work our soldiers are doing there on the ground. We are proud of our military, proud of the tremendous work they are doing, and thank them for their efforts and their sacrifice for us each and every day.

Al-Zarqawi was a man who was responsible for the beheading, the killing of hundreds and, indeed, thousands of innocent children, women, and men. He was responsible for the death of many Americans in uniform, men and women. For those reasons, we all know it is a great day for Iraq and, indeed, for the United States.

Al-Zarqawi was the operational head. He is a symbolic head, we know, but equally importantly the operational head of al-Qaida in Iraq. Osama bin Laden called him the ''prince of Al-Qaeda.'' Reportedly, he masterminded the operations, the financial infrastructure, the financial underpinnings, and the strategic support for the terrorist network. While we all know there are many insurgents who remain in Iraq, this is surely a major blow to the terrorists who threaten both the safety and the security of Iraq and, indeed, the United States.

It is also a significant day in the formation of the Government of Iraq, the appointment of the Ministers of Defense, of the Interior, and of National Security. It is a major step forward. The Prime Minister and most of the Cabinet have been in place for about 3 weeks. I think 37 are in place with the completion of that Cabinet today. It is a major step forward. It has been a good morning. These developments are major steps forward. Although, as we all know, many challenges remain, I am more optimistic than ever that a free and stable Iraq can be achieved.

SCHEDULE

Mr. FRIST. Mr. President, I will update our colleagues over the course of the day and run down our schedule.

In a couple of minutes, we will start the 1 hour of debate prior to the cloture vote on the death tax repeal. Therefore, that first vote is expected to begin sometime between about 10:45 and 10:50. Regardless of the outcome of that cloture vote, we will then have the final debate prior to the cloture vote on the motion to proceed to the Native Hawaiians bill. That vote is set for 12:45 this afternoon.

The rest of today's schedule will depend on the outcome of those two cloture votes. We hope to have additional votes this afternoon on four district judges on the calendar, as well as the debate and the vote on the Schwab nomination to be U.S. Trade Representative.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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I remind everyone that last night we filed cloture on a Mine Safety and Health nomination. That cloture vote will occur tomorrow unless some other agreement is reached.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

AL-ZARQAWI

Mr. REID. Mr. President, I certainly underscore the statement of the distinguished majority leader. This is a good day for the U.S. military and especially our intelligence community. We should feel very good about this. The mission we are talking about, the successful outcome, is a testament to the bravery, the skill, and the determination of those dedicated men and women on the front lines. This is hard to say about any human being, but he got what he deserved. Anyone who aligns himself with him should know they could await a similar fate as long as they engage in terror.

I was very pleased to hear the President's statement. It was measured. We all recognize there are a lot of difficult days ahead for the United States and Iraqi forces, but having a Security Minister, a Defense Minister, and an Interior Minister makes it that much closer to when we can start drawing down the troops.

DEFENSE AUTHORIZATION AND IMMIGRATION

I look forward—I hope in the near future, and I am confident that will be the case—to working on our Defense authorization bill, which is something we need to do.

I also say through the Chair to the distinguished majority leader, this is important for our colleagues. We are trying to work something out to get the immigration reform bill to conference with the House. People think we spend a lot time on minutia, all this procedural stuff, but that is the way it is. People are going to have to be patient. We are trying to get a vehicle to go to the House where we have assurances that it will be an immigration bill and not a tax bill. We do not have that worked out yet. I say to my colleagues and through the Chair to the distinguished majority leader, as he knows, negotiations have started. We are trying to work it out.

Mr. FRIST. Mr. President, to respond through the Chair to the Democratic leader—and actually our colloquy, in essence, is to our colleagues—we recognize the importance, both of us, both sides of the aisle, of getting this bill to conference. We have passed a bill that reflected the will of the Senate. Not everyone agreed with it. I thought we had a very good process we should be proud of in terms of debate and amendment and allowing the people's will to be discussed and voted upon.

The next step is getting to conference. We do not need to go into the technical aspects, but it is a challenge to get it there in a way that gives all of the guarantees, but with those guarantees the goal will be to have an immigration bill that stays on immigration. That is exactly what the Democratic leader and I are working on, and we are making progress in that regard.

Mr. REID. Mr. President, I say also that the problem is one person can throw a monkey wrench into the process. We have to try to work it out so no wrenches are thrown.

Mr. President, I ask consent that Senator STABENOW from Michigan be recognized for up to 2 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan is recognized.

THANKING THE GUEST CHAPLAIN

Ms. STABENOW. Mr. President, I take a special moment to say thank you to Rev. Tim Tuthill for giving the invocation today. As a lifelong United Methodist, I am very proud of him.

He is associate pastor of the First United Methodist Church in Mason, MI, and one of our brightest and most engaging young leaders in the community. I am so pleased he is here today.

He has been very active in the mid-Michigan community and served in a number of different leadership positions in the Mason area United Way, the Mason Ministerial Association, the Wesley Foundation, the St. Francis Retreat Center, the West Michigan Conference Leadership Team, and a host of other organizations.

After 8 years with the First United Methodist Church, Reverend Tuthill was recently appointed by the Wesley Foundation to lead the campus ministry at Michigan State, my alma mater, as well as Lansing Community College.

I wish him and his family well. We are so pleased he would take time to join us. We appreciate his words of inspiration this morning.

DEATH TAX REPEAL PERMANENCY ACT OF 2005—MOTION TO PROCEED

The PRESIDENT pro tempore. The Senate will resume consideration of H.R. 8, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of H.R. 8, to make the repeal of the estate tax permanent.

The PRESIDENT pro tempore. Under the previous order, there is 1 hour of debate equally divided between the two leaders or their designees, with 10 minutes of the minority time reserved for Senator DURBIN, 10 minutes for Senator DORGAN, and the last 20 minutes reserved as follows: 10 minutes for the Democratic leader, to be followed by the majority leader.

The Senator is recognized.

Mr. DURBIN. Mr. President, we are now considering the repeal of the estate tax. The estate tax is a tax paid by 2 out of every 1,000 Americans. It is not a tax that will affect the vast majority of Americans because they have not accumulated enough wealth in their lifetime to be subject to the tax.

It is an action which is imposed on the very wealthiest, the very richest people in America. It is a tax which is imposed on their estates after a certain amount is exempt. Up to $4 million is exempt for a couple under current estate tax, and that number is scheduled to rise.

However, the Republican majority believes this tax is unfair. They believe it is unfair for the wealthiest people in America, who have accumulated millions of dollars, to pay any tax to the Government on that accumulated wealth when they die. They say that is fundamentally unfair. They come to the Senate with a sense of outrage that we would ask wealthy people in America to pay taxes, so they propose the elimination or dramatic reduction of this tax, to the point where it will add substantially to the deficit of the United States of America.

This is not a tax cut for the wealthy; it is a tax deferral. By reducing or eliminating the tax on the wealthiest, they are passing the burden of taxation on to those in lower income groups. With their elimination of the death tax, they are creating a birth tax.

In other words, if you happen to be born in America and you are one of the 997 out of 1,000 who don't pay the estate tax, you will have a bigger debt and a bigger burden because the Republican majority believes the wealthiest should be spared paying taxes. People who have had the good fortune of living and succeeding in America should be spared, according to the Republicans, any responsibility to pay back to this great Nation for the benefits they have accrued during their lifetime. There is a sense of outrage on the Republican side of the aisle that somehow we would impose this tax. They have created this vast mythology about the estate tax. They translated it into a death tax, suggesting to Americans that when you die you must pay taxes. That is plain false. Only 2 or 3 out of 1,000 people who die each year pay any such tax. Yet the average person on the street believes the Government is going to come and grab whatever small amounts they have kept together for their sons and daughters and take it away in tax collection. It is not true. It is false. It is misleading. It is deceptive.

Who is pushing this great effort to eliminate the estate tax? Will it surprise you to know they are the fattest special interests in Washington, DC? An analysis has shown—and these numbers are nothing short of amazing—that 18 families in the United States of America, with a combined net worth of $185 billion, have spent $200 million lobbying on Capitol Hill to repeal this estate tax. Why? They are going to make a fortune because their fortunes will be

protected from being taxed. This is the ultimate special interest bill. This bill has nothing to do with the average American, the average American family, the average American farm or the average American business. It is about the wealthiest people in America flexing their muscles, pushing through on Capitol Hill the most outrageous piece of special interest legislation in modern memory. The Republican majority is pushing this to the floor with a straight face: We want to eliminate the death tax.

What does it mean for the families behind Wal-Mart, Gallo wine, Campbell's soup and other companies? It means that if they are given full repeal of the estate tax, these 18 families will collectively net a windfall of $71 billion. That is what this is about.

Who will end up paying for it? Our children will. We will take the money which we are not going to collect from the estate tax and end up borrowing. And who will loan us the money? More and more the Bush administration goes overseas to borrow the money: Japan, China, Korea, the oil sheikhs, they will loan us the money. But there are strings attached. Do you remember the Dubai Ports deal? Think there is a connection between these Middle Eastern oil giants now buying into the American economy and what we are doing on the estate tax? It is directly linked. There are bankers, mortgagors. They sell us oil. Why? Because the Republican majority runs up the biggest deficits in the history of the United States.

When President Bush took office, the national debt was $5.8 trillion. The accumulated debt in the history of America was $5.8 trillion. Five years later, the national debt is knocking on the door of $9 trillion. And if they continue to eliminate taxes on the wealthiest people, the debt will be $11 trillion. For the students who are watching this debate on television, in the galleries, through C–SPAN, let me tell you, this effort to find a benefit for the wealthiest families, to absolve them from paying debts for the success they have experienced, is going to be visited on our children and grandchildren. Where is the fairness and where is the justice? Where is the sense of outrage that we would give this special interest legislation such a priority in the Senate? Why wouldn't we consider changing the Tax Code so that average working families can deduct the cost of college education for their kids? Isn't that something good for America? Isn't that of greater value than to say to the superrich: We are going to spare you from paying $71 billion in taxes over the life of this repeal? No. From their point of view, you don't think about the families putting the kids through college. You don't worry about the situation where we have so many Americans, 46 million in fact, without health insurance today. You don't deal with the reality of funding education. You focus your attention and the time of the Republican majority on repealing a tax on the super wealthiest people in America.

Warren Buffett is the second richest man in America. He said: Do you know what is going on here? It is class warfare. And do you know what? My class is winning.

They sure are.

Today the Republican majority will try to put a victory on the board for the richest people in America. Why do we do this? For some, it is a matter of philosophy. They happen to believe if the rich get richer, America will be better off. That has been a philosophy around this country for a long time. I come from a different point of view. I think the strength of America is in its families, those families getting up and going to work every day, doing their best to keep families together, to save money for the future, to put their kids through college. It is in small businesses that take risks and sometimes fail but, when they succeed, build into a business that gives them a chance to hire more people. It is in family farms. That is the strength of America. These other folks have done quite well.

The New York Times went to the Farm Bureau and asked them: Name for us a single example of a family being forced to sell its farm because of estate tax liability. Not one single example derived from the American Farm Bureau. They couldn't find one. I did the same thing in Illinois. Not one farm has been lost because of Federal estate tax liability.

We will hear them crying and moaning and whining and rending their garments about how this is needed to save family farms. They can't come up with a single example where a family farm has been lost by the estate tax. According to the Congressional Budget Office, only 123 family-owned farms and 135 family-owned small businesses would pay any estate tax at all with a $2 million exemption level—across America, pay any tax at all, let alone risk losing their business or farm.

This has been exaggerated to a point which is shameful. To think that at a time when we are facing the biggest deficits, when we are involved in a war where we are asking our sons and daughters to risk their lives for America, that we are going to make those who are comfortable more comfortable by sparing them their taxes, that we are going to welcome home the soldiers by saying, thanks for serving America and, incidentally, here is a larger national debt for you to carry the rest of your life.

I urge my colleagues to defeat this effort to repeal the estate tax.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Arizona is recognized for 10 minutes.

Mr. KYL. I thank the Chair.

Madam President, we are going to have an opportunity very shortly to do something historic; that is, to begin consideration of a process by which we can either eliminate or substantially reduce the impact of this most unfair tax of all, the estate tax, on small businesses, on family farms, on Americans of all stripes who worry that they will have to pay up to half of what they have put into their life savings, their business, their farm, to the Government in an estate tax.

It has been found by Gallup surveys and others that the American people believe this is the most unfair tax and by percentages, 60 to 70 percent agree that it should be eliminated. To some extent there has been an argument that I have to address because it is a straw man. That argument is that this is all about helping the most wealthy families. That is not correct. Here is why. What we have proposed is that immediately upon going to the House bill, there be a cloture vote on that bill which, frankly, I think all would agree, is doubtful of passing. That is to say that there aren't 60 votes in this Chamber to permanently repeal the estate tax. That is what the Senator from Illinois was talking about. We all know that.

As a result, the majority leader has made an absolute commitment—and I reaffirm it—that immediately following that vote, the majority leader would lay down a substitute, a compromise, if you will, that provides that the estate tax will be substantially modified but not repealed. It will be modified in a way that will help those who, because land values have been increasing or because they put all of their money into a small business, would be either required to pay substantial amounts of money to plan for the potential of paying the estate tax, paying lawyers and accountants and buying insurance and the like, would be responsible for a substantial estate tax bill, it would give them relief from that obligation, but it would still say that the wealthiest families, the Warren Buffetts and others mentioned a moment ago, would still have to pay a substantial amount of estate tax.

The specific proposal that will be offered provides that there will be $5 million exempted and that that would be indexed to inflation and that after that, the capital gains rate would be the rate that would apply to estates that would be taxed. But when you get to the superrich the Senator from Illinois referred to, those with a $30 million estate who would probably qualify in that category, anything above that amount would be taxed at a 30 percent rate which would bring in, obviously, a substantial amount of revenue given the wealth of some of those estates. We are not here debating whether it is going to be either all or nothing, a permanent repeal of the estate tax or the status quo. What we are talking about is going to a process by which we consider a compromise which will, in fact, tax the most wealthy but will allow those small businesses and farms the opportunity to continue their existence.

It is interesting that there is a suggestion that this somehow wouldn't

help the small business or the family farm. Let's quote some actual data. For example, the Senator from Illinois challenged us to show one farm that had to sell property in order to pay the estate tax. Here is one, Sam and Ann Payne in Georgia, not too far north of Atlanta. The farm had been in their family since the early 1800s. When their father died in 1968, they had their first experience with the death tax. But then Sam's mother was still alive and it was manageable. When she died 6 years ago, they had to pay close to $400,000 in estate tax. Their land had increased in value. So in order to pay that tax, they had to sell part of their farm to local developers, including an airport. Here is what Sam Payne said:

At a certain point, you sell off too much land and your farm gets so small that you are not a viable agricultural unit, making it difficult to turn a profit.

There are many other examples. Here is what the American Farm Bureau said in a survey. They surveyed their members and nearly 20 percent of the farmers responded to a survey that said that they had to pay Federal estate taxes in the previous 5 years; 44 percent said they would have to mortgage the farm to pay the death tax; 28 percent said that all or part of the farm's business would have to be sold; 39 percent said that any plans for growth would have to be delayed or canceled.

Here is a pernicious aspect of this. A lot of people spend a fortune trying to avoid the tax: 77 percent of farmers reported that they had to spend money each year on estate planning; 40 percent said that they paid more than $10,000 a year; 13 percent more than $25,000 a year; 5 percent pay more than $100,000 a year. That is a real impact, the same kind of impact on small business. We can provide examples. I gave an example yesterday.

Minority businesses are the most hard hit. Here is what Robert Johnson, founder of Black Entertainment TV, had to say:

Elimination of the estate tax will help close the wealth gap in this nation between African-American families and white families.

A 2004 study by Impacto Group LLC surveyed Hispanic family-owned business owners; 20 percent of Hispanic family business owners said they would have to sell their business or property in order to pay the estate tax. Only about half of the respondents believe that they are prepared to deal with the death taxes if the principal owner dies.

Surveys conducted by the Family Enterprise Center of Kennesaw State College and the Center for Family Business at Loyola University found that 90 percent of black-owned, family firms say that paying estate taxes makes growth of the business more difficult; 87 percent say paying the estate tax makes the survival of the business more difficult. Nobody who has run a small business or family farm or has accumulated wealth, perhaps simply by the growth in the value of real estate, will argue that this is not a matter of concern to them.

As the Wall Street Journal editorialized today, even the people who appreciate the fact that it won't apply to them favor repeal. I will quote from the editorial:

Americans favor repealing the death tax not because they think it will help them directly. They're more principled than that. Two-thirds of the public wants to repeal it because they think taxing a lifetime of thrift due to the accident of death is unfair and even immoral. They also understand that the really rich won't pay the tax anyway because they hire lawyers to avoid it.

That is the point of the argument we heard a moment ago.

I ask unanimous consent to print the editorial in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TAXES EVERLASTING

If you've followed the death tax debate, you know that few issues raise liberal blood pressure more. Liberal journalists in particular are around the bend: How in the world can the public support repealing a tax that most Americans will never pay? Good question, so let us try to answer.

Americans favor repealing the death tax not because they think it will help them indirectly. They're more principled than that. Two-thirds of the public wants to repeal it because they think taxing a lifetime of thrift due to the accident of death is unfair, and even immoral. They also understand that the really rich won't pay the tax anyway because they hire lawyers to avoid it.

For proof that they're right, they need only watch the current debate. The superrich or their kin—such as Bill Gates Sr. and Warren Buffett—are some of the loudest voices opposing repeal. Yet they are able to shelter their own vast wealth by creating foundations or via other crafty estate planning. Edward McCaffery, an estate tax expert at USC Law School, argues that "if breaking up large concentrations of wealth is the intention of the death tax, then it is a miserable failure."

Do the Kennedys or Rockefellers look any poorer from the existence of a tax first created in 1917? The real people who pay the levy are the thrifty middle class and entrepreneurs who've built up a modest nest egg or business and are hit by a 46% tax rate when they die. Americans want family businesses, ranches, farms and other assets to be passed from one generation to the next. Yet the U.S. has one of the highest death tax rates in the world.

By far the largest supporter of preserving the death tax is the life insurance lobby, which could lose billions of dollars from policies written to avoid the tax. The Los Angeles Times reported this week that the insurance industry is the main funder of an anti-repeal outfit known as the Coalition for America's Priorities. A coalition ad features a sound-alike of heiress Paris Hilton praising the Senate as "like awesome" for cutting her family's taxes. But this is the opposite of the truth. The American Family Business Institute has found that the bulk of the Hilton estate has long been sheltered from the IRS in tax-free trusts.

Frank Keating, president of the American Council of Life Insurers, has criticized repeal by saying: "I am institutionally and intestinally against huge blocs of inherited wealth. I don't think we need the Viscount of Enron or the Duke of Microsoft." But while he was Oklahoma Governor in the 1990s, Mr. Keating took a different line: "I believe death taxes are un-American. They are rooted in the failed collectivist schemes of the past and have no place in a society that values entrepreneurship, work, saving, and families." We can appreciate how such a marked change of views would give Mr. Keating intestinal issues.

Which brings us back to the political paradox that, even with Republicans at a low ebb, voters still support death tax repeal. A majority in both houses of Congress also supports it, so Senate Democrats can only stop repeal with the procedural dodge of a filibuster. Even at that, several Democrats are clamoring for a compromise that would take the issue off the table in November. They recall what happened in 2004 to Tom Daschle in South Dakota.

But Republicans should only accept a compromise if it lowers the death tax rate enough (to 15%) to reduce the incentive for avoidance and eliminate its punitive nature. Voters have been saying clearly and for years that they don't want a tax whose only justification is government greed and envy.

Mr. KYL. A lot of the superrich don't care. That is true. There are certain people I will not name, but they have been named, who support continuation of the tax. They have the wealth to be able to get around it with estate planning and to buy the insurance. You heard me quote from minority business owners and farmers who say they cannot afford to pay the cost of that insurance and the estate planning.

Of all of the groups, there is only one that opposes what we are trying to do, and that is the insurance industry. Why not? They make money off of it. If we are talking about special interest legislation, let's understand that the special interests we are trying to protect here are the family-owned businesses, the family farms, the minority businesses; and the special interests that are fighting us are the big insurance companies and the estate planners that make millions of dollars every year.

Alicia Munnell, who was a member of the Clinton administration, has said that the American people pay each year about the same amount to plan against paying the estate tax as the Federal Government collects in revenues from the estate tax. So in effect it is a double tax. Sure, the superwealthy don't care because they have enough money to plan against that. What we are going to do in this proposed compromise is make sure that they pay, but that the people who get caught simply because of the increased value of their property or business will not have to pay.

I also ask unanimous consent to have printed in the RECORD an article by Harvey Rosen from the Market Watch, dated June 8, which makes the point that the American people will benefit when we reduce the rates on the estate tax because it enables capital formation by entrepreneurs and that the economy is better off as a result of the reduction of these rates.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Market Watch, June 8, 2006]

IT IS THE ESTATE TAX RATE THAT MATTERS

(By Harvey S. Rosen)

PRINCETON, NJ.—This week, the U.S. Senate is expected to turn its attention to the Federal estate tax.

Under current law, the estate tax is being phased out, with repeal set for 2010. But then in 2011 the old law is scheduled to be restored, with marginal tax rates that can exceed 50%. The old law was capricious, complex, and inefficient—bringing it back to life in 2011 would be bad policy.

While the first-best policy response would be to make repeal permanent, this option appears to be politically infeasible. An interesting alternative proposed by Senator John Kyl, R–Ariz., would make the estate tax rate permanent at 15%, increase the exemption level to $5 million, and include step-up in basis.

As the debate on Senator Kyl's and other options moves forward, it is important to focus on keeping the rate of the tax law because of the negative consequences that a high rate has on the economy.

First, a high estate tax rate has a detrimental effect on the behavior of individuals in their roles as entrepreneurs. People with large estates are disproportionately owners of small businesses—Douglas Holtz-Eakin, former director of the Congressional Budget Office and Donald Marples (GAO) estimate that entrepreneurs are three times more likely to be subject to the estate tax than portfolio investors. The estate tax in effect reduces the returns to entrepreneurs' investment. Thus, the estate tax increases the ''user cost of capital''—the rate of return that an investment must make in order to be profitable. The higher the user cost of capital, the lower the number of profitable investments available to the entrepreneur.

According to the U.S. Treasury's Office of Tax Analysis, the estate tax leads to an increase in the tax rate of between 4.5 to 9%. Research on entrepreneurial decision making that I published with several colleagues suggests that a 5 percentage point increase in marginal tax rates leads to a 9.9% decline in investment by entrepreneurs. So, if we take the 4.5% tax increase at the low end of the Treasury's range, the implied decrease in entrepreneurial investment is 8.9%. Using the 9% tax rate at the top of the Treasury's range, the decrease in capital accumulation by entrepreneurs is 17.8%.

In short, changes in the user cost of capital induced by the estate tax have a substantial impact on entrepreneurs's investment spending. Given that entrepreneurial enterprises are an important source of growth and innovation in our economy, this is a very sobering result.

Second, an increase in the estate tax rate would have a negative effect on individual saving rates and wealth accumulation. Research by academic economists suggests that an increase in the estate tax rate of 10% leads to a roughly 14% decrease in net worth. Other serious studies conclude that there would be a substantial increase in saving if the estate tax were eliminated altogether.

Put this together with an observation taught in every introductory course in economics: a smaller capital stock reduces productivity and labor income throughout the economy. The clear implication is that the estate tax reduces incomes for everyone. Because of its negative effect on capital accumulation, the burden of the estate tax is shifted, at least in part, to all workers. In particular, future generations are worse off by virtue of having a smaller capital stock with which to work.

Third, arguments that high estate tax rates make the U.S. tax code more progressive are problematic. The basic assumption is that the burden of the estate tax falls entirely on the decedent—the rich dead guy takes the entire tax hit. This assumption is natural because, by law, the decedent's estate is responsible for paying the tax. However, it reflects an approach that the economics profession has rejected for at least a century. Who bears the burden of a tax depends on the underlying economic fundamentals, not on who writes the check to the IRS. When the government levied a special tax on yachts, for example, the burden fell not only on the owners of yachts, but also on the individuals who produced and serviced them. Applying the same kind of logic in this case, the most likely scenario is that the decedent will not bear the burden of the tax. Rather, he or she will simply leave a smaller bequest, because the estate tax makes wealth accumulation (saving) less attractive.

Thus, the argument made by estate tax proponents that increasing the exemption will enhance progressivity is flawed. Whatever the size of the exemption, some entrepreneurs will be hit by the tax and scale back their investment. Other individuals will simply save less. In both cases, the result is the same: workers are worse off. Any estate tax that is big enough to collect substantial revenue is also big enough to have a substantial negative effect on saving and the economy.

In conclusion, although increasing the exemption for the estate tax while retaining a high rate might appear to enhance the progressivity of the tax system, this is not likely correct. True, the typical worker has little reason to know that her weekly paycheck is smaller because of the estate tax. She may never realize that part of the burden of the tax falls on her. But conventional economic analysis suggests that these subtle, indirect effects are real, and critical to understanding the ultimate burden of the tax. As the debate on increasing the estate tax exemption moves forward, policymakers should understand that the putative progressivity of such a step is likely illusory and that reducing the rate would benefit the economy.

Mr. KYL. He concludes that ''any estate tax big enough to collect substantial revenue is also big enough to have a substantial negative effect on saving and the economy. Reducing the rate will benefit the economy.''

The bottom line is this: We are going to have an opportunity to vote yes on cloture to take up the House repeal bill. For those who believe in full repeal, the next vote would be to support full repeal. Presumably, that won't pass. The next thing that will happen—and the majority leader made this crystal clear, and I reiterate this commitment—is that we will have an opportunity then to vote on the proposal that Senator BAUCUS and Senator LINCOLN and Senators BILL NELSON and BEN NELSON and others of us have been working on to provide a substantial exempted amount—$5 million per spouse—capital gains rate to apply to whatever has to be paid. But when an estate hits $30 million, from then on, it gets hit with a 30-percent rate. That is a fair way to help the people at the lower end of the spectrum and yet collect the revenue from those very wealthy estates which we all agree can pay part of this estate tax.

Mr. COBURN. Will the Senator yield for a question?

Mr. KYL. Yes.

Mr. COBURN. A lot has been made that we are going to borrow money to pay for this tax. But the fact is that the amount of money not collected that is owed to the Federal Government is close to $400 billion a year. The other side of that is there is over $200 billion a year that has been proven to be wasteful or fraudulently misspent by this Government, which we condone each year. That is $600 billion.

We would not be debating this tax if we were doing our job in terms of oversight. Just in terms of improper payments, is the Senator aware of the fact that there is over $150 billion a year paid out by the Federal Government to people who do not deserve it, have not earned it, and yet have manipulated the system to get it? I am not talking about poor people; I am talking about contractors. The point I want to make is that we would not even be having a discussion on the principles of this tax because it is not needed because we are not doing our jobs in terms of oversight. There is $600 billion that would put us into surplus by $200 billion right now, including the cost of the war, if we would just do our job. I wondered if the Senator was aware of that.

Mr. KYL. Yes, because of the great work of the Senator from Oklahoma, we have been made aware of that. He has helped to lead the effort to collect this money and save the money the Government is wasting. The Senator knows that we support fully his efforts in that regard and intend to pursue it.

I will conclude my remarks by simply saying that we have an opportunity to do something very historic for an awful lot of folks in this country who deserve the relief. I hope colleagues will give us the opportunity by supporting the cloture motion when that comes up.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, this is an interesting debate, and in some ways it is very troubling. I wish to talk a little about fiscal policy and where we find ourselves.

It is almost as if this place is disconnected from what is happening. The night before last, I sat in HC–5 until about 1:30 in the morning working on the emergency supplemental appropriation request—roughly $90 billion for Iraq, Afghanistan, and a portion for Katrina. None of it is paid for; it is just emergency spending—$90 billion. This takes us to something close to $400 billion over these recent years, none of it paid for.

Not many weeks ago, we had on the floor of the Senate a proposed $70 billion tax cut. That passed. It wasn't paid for. Just cutting the revenues. I voted against that. So we are spending money without covering it. We are cutting taxes. The gross federal debt will be $8.6 trillion at the end of 2006. We will add over $600 billion to the indebtedness just this year alone in fiscal policy. We will add over $700 billion this

year alone in trade deficits. That is different from the fiscal policy. Combined this year, we likely will be in debt by some $1.3 trillion. Everybody understands this is completely off track and dangerous.

So what is the business today? How about cutting some taxes again? What is going to come behind this? A third tax cut bill coming from the Finance Committee. It is unbelievable. It is almost as if somebody pulled the plug out of the socket, so there is no current coming through here by which people can think straight. You can go to the hometown café or restaurant and folks ask: What do you do next? You are choking on debt up to your neck—$8.6 trillion of fiscal policy debt this year. It is going to increase to almost $12 trillion in the next five years, we expect. So what do we do next? We say we ought to get rid of the ''death tax.''

But there is no death tax, of course. This is a function of a clever pollster, paid handsomely by people with a lot of money to come up with a moniker that would allow them politically to cast this into the water and have it float. My colleague spoke at great length about the ''death tax.'' Clever, interesting, but it doesn't exist.

There is, in fact, a tax on inherited wealth in this country. Very few Americans pay it. Currently, the exemption is $2 million for a husband and $2 million for a wife. If you don't have $4 million in net assets in your family, don't worry about this issue. That is going to $3.5 million apiece, so that is $7 million. If you are not above $7 million, don't worry about it.

By the way, notwithstanding those exemptions, if one spouse dies, the other owns everything—a 100-percent exemption—and there is no estate tax. It doesn't matter what the estate is worth; the other spouse owns it. There is a 100-percent spousal exemption.

This ruse of suggesting that this is a death tax is an unbelievable. The most interesting hoax of all is this small business and family farm issue. I will tell you why it is a hoax. I came to the floor of the Senate twice and offered amendments twice. The last time I offered the amendment, it would have completely repealed the estate tax obligation of any small business and any family farm passed from the parents to the children, the lineal descendants who continued to operate it. If that family business or farm, no matter the size, were passed from the parents to the children, on January 1, 2003, it would have forever been exempt from an estate tax. My amendment would have taken that issue off the table. And 54 Members of the Senate voted against that, including the people here today crying crocodile tears over small business and family farm issues. When they had the chance to do this, they didn't want to. Why? That is not the purpose.

The purpose of this issue is to say to the wealthiest Americans that we want to help you. My colleague said we are going to craft something that is a little bit of a modification. He didn't tell you that the modification would lose some 80 percent of the money. But his real interest and the interest of most of the folks who are speaking is to repeal the death tax, which doesn't exist.

Now, we are at war, up to our neck in debt—$8.6 trillion in debt, heading toward $12 trillion in debt—with a budget policy that is completely out of control and a trade policy that is wildly out of control. What do those who have the majority in this Chamber decide they ought to do? The President, the majority in this Chamber and in the House—what is their next step? It is to cut taxes for the wealthiest Americans.

Let me tell you what Warren Buffett says about this. He is an interesting guy. He is the second richest man in the world but a really public-spirited man. He said, ''If this is class warfare, my side is winning.'' He doesn't approve of this; he thinks this is nuts. He has an estimated worth of $42 billion. He said:

> I personally think that society is responsible for a very significant percentage of what I have earned. If you stick me down in the middle of Bangladesh, or Peru, or someplace, you will find out how much this talent is going to produce in the wrong kind of soil.

Being here is what allowed him to be successful, he said. He said, by implication, that we owe something back.

We are at war, and my colleagues have decided that the pressing priority is to remove the tax burden from the wealthiest people in this country, the ones worth billions of dollars. Franklin Delano Roosevelt said in one of his fireside chats—this in another age when we were at war:

> Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a shipyard, or on the farms or in the oil fields or mines, producing the weapons or raw materials that are needed by our Armed Forces. But there is one front and one battle where everyone in the United States—every man, woman, and child—is in action. . . . That front is right here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men, but to keep the economic structure of our country fortified and secure. . . .

Do you see any urge at all by the majority here, by the White House, to call this country to action for some public spiritedness, about what we need to do together? We have soldiers dying on the battlefield, and we are sitting downstairs in the Capitol Building until about 1:30 in the morning appropriating money for those soldiers for their munitions, for their trucks and tanks and battleships, and we will not pay for it. The majority party says we will not pay for it. Even as we spend money, we won't pay for it. But we see that their highest priority is to cut taxes for those who are very well off.

The wealthiest 1 percent of Americans now own a bigger piece of the pie than the poorest 90 percent added together. That gap is growing. This legislation will once again decide to expand the inequality of income in this country.

Let me say this again. Those who come to this floor talking about small businesses and family farms had a chance to vote for the repeal of any estate tax obligation for any transfer of any family-owned business or any family-owned farm, and that full repeal would have been effective on January 1, 2003; and 54 Members of the Senate voted no. I daresay almost everybody speaking today in support of this legislation because they believe it will help family farms and small businesses, when they had the chance to do it, they voted against it.

And that tells you a little something about what is really at stake.

Has anybody here ever seen a hearse pull a U-Haul? Don't think so. You can't take it with you. We are on this Earth for a relatively short period of time. We are blessed to live here, a unique spot on this planet. And this, in my judgment, requires of us some responsibilities.

Oh, I know some don't want to lose anything. They want to take it all with them. But you can't take it all with you. The question is: Should at least some of the largesse that those who have been most successful in this country have accumulated in this lifetime bear a tax because most represent an accumulation of assets that never ever bore a tax? Growth appreciation of stocks that has never been taxed, should that not also contribute to this country's defense and well-being? The answer is yes.

I hope we decide to do the right thing and reject this proposal.

Mrs. FEINSTEIN. Madam President, I rise to oppose this bill. With an $8.4 trillion national debt, a budget deficit that will exceed $300 billion this year, a looming entitlement crisis, and a mounting alternative minimum tax problem, full repeal of the estate tax at this time is simply not responsible.

We have until 2010 to make decisions about the estate tax. In doing so, time will afford us the opportunity to make more informed choices, with a more complete picture of our Nation's fiscal health.

We are talking about eliminating nearly $1 trillion in Federal revenues here, during a time of war.

Now is not the time to place the interests of a small number of millionaires ahead of millions of working families.

The estate tax is already being gradually phased down under current law. By 2009, only estates valued at more than $7 million per couple—$3.5 million per individual—will owe any estate tax at all. This means that only 3 of every 1,000 people who die would have an estate large enough to owe any Federal estate taxes.

Permanently eliminating the estate tax would cost $402 billion over the

next 10 years, 2007 to 2016, though it is important to note that this figure only captures the cost of 5 years of full repeal, from 2011 to 2016.

When all costs are included, nearly a trillion dollars will be lost in the first decade following repeal, from 2012 to 2021. Included in this staggering figure is $213 billion in increased interest payments on the national debt.

Federal revenues are already insufficient to fund our Nation's most critical domestic priorities.

I wish things were different, allowing a vote in support of reforming the estate tax to be cast today in good conscience.

Let me be clear. I am no fan of the estate tax. I understand how hard families work to provide opportunities and a better future for their children. Transferring assets from generation to generation motivates families to work even harder. It is unfair to place unreasonable burdens on small businesses and families seeking to provide for future generations.

I am deeply concerned about California's families who own farms and small businesses. Like many of my colleagues, I worry that they may be forced to sell a primary residence just to pay the estate tax. Our laws should not create even more hardship at a time when someone has lost a loved one.

Yet, as we consider estate tax repeal today, our Nation's fiscal outlook and the potential impact of this administration's policies are uncertain. This President has broken with his predecessors by submitting only 5-year budgets.

Why, you might ask? Especially after we were presented with the traditional 10-year numbers during this President's first year in office. The answer is that these tax cuts explode the debt and deficit in the outyears—the end of the 10-year window.

The President's tax cuts have already cost more than $1 trillion, and those enacted will be more than $3 trillion over the next decade.

Republicans just passed another round, with the lion's share once again going to the very wealthy—$50 billion to extend capital gains and dividends tax breaks over 10 years.

The Federal budget deficit will be at least $300 billion this year. The national debt is soaring. And we are at war. Never before have such expansive tax cuts been enacted or continued during a time of war.

Over the next 10 years, the debt is projected to reach nearly $12 trillion. In this year alone, our national debt is slated to increase by $654 billion. More startling is the fact that the national debt is currently more than 66 percent of our gross domestic product, GDP. The total debt equates to roughly $30,000 owed by every American citizen.

When you combine the cost of the tax cuts with spending for the war in Iraq—currently totaling $370 billion—the inevitable result is that the domestic programs that matter most are squeezed.

For example, the President's fiscal year 2007 budget makes significant cuts to programs such as food stamps, cut by $272 million; food assistance for seniors and children, cut by $111 million; COPS, which put over 118,000 police on the streets nationwide, is being cut by more than $407 million, or 15,000 officers nationwide; first responders—within Department of Homeland Security—by $573 million or 25 percent; firefighters—firefighter grant program, within Department of Homeland Security—by $355 million; Job Corps—an education and job training program for youth—by $55 million, resulting in 1,000 fewer at-risk youth being served; mass transit, by $100 million; safe and drug-free schools State grants, by $346 million; and education—the President's signature education program, No Child Left Behind, would be underfunded this year by more than $15 billion and $55.7 billion since it was enacted.

Let me explain. Most of the money the Federal Government outlays in a given year is currently not controllable. It is spent on what are called entitlements—Social Security, Medicare, Medicaid, veterans benefits. If you are entitled to these benefits, you get them.

And if you add interest on the debt—nearly $400 billion in 2006—that is about 60 percent of everything spent in a given year. So that leaves 40 percent, half of which is the defense budget and half is everything else.

There is a war going on, so it is very difficult to cut defense spending.

So while a select few are benefiting from massive tax breaks, budget cuts must be made—to the programs many Americans rely upon—to prevent uncontainable deficits.

There is a fundamental shift taking place. Republicans have become the profligate spenders, while Democrats have become the deficit hawks.

Americans deserve more responsible leadership. Leadership is about planning for the future and making the difficult decisions that ensure economic stability for our children and their grandchildren.

With the threatening fiscal demands of baby boomers retiring and the pending insolvency of Medicare in less than two decades, repealing the estate tax today would be inconceivably shortsighted.

I urge my colleagues to employ sensible leadership and understand the responsibilities we have to uphold. We have a responsibility to working families, veterans, senior citizens, children, and low-income communities.

No one will deny that this issue needs to be revisited in the coming years. We must adopt a balanced estate tax compromise, while holding the line on spending in order to restore a program of fiscal sanity. I look forward to working with my colleagues to protect small businesses and family farms, without unreasonably jeopardizing our Nation's financial well-being and our ability to help those who need Congress most.

In the meantime, I urge my colleagues to do what they know is right: encourage a more responsible fiscal course and stand in opposition to full repeal of the estate tax at this time. This is the wrong policy at the wrong time.

Mr. MCCONNELL. Madam President, nothing could place more stress on a family than the loss of a loved one. Yet at such a difficult time, too many families in America today must make decisions about selling a business or a farm that has been in the family for generations in order to pay estate taxes, or, as they are more commonly called, death taxes.

That is wrong. That is why I support the repeal of the death tax—immediately, completely, and permanently. No American family should be forced to visit the undertaker and the tax collector on the same day.

We have made important progress towards eliminating this onerous tax under President Bush's leadership. In 2001, Congress began phasing out the death tax, and will phase it out completely in 2010. Yet because of our budget rules, the death tax will return in full force in 2011.

Starting in 2011, many small-business owners and their families may be unfairly penalized if we do not eliminate the death tax. We can change that by repealing one of the most destructive, unfair taxes ever conceived by government. Let's kill the death tax forever.

We ought to kill it especially on behalf of America's small businesses, the lifeblood of our growing economy. From their successes come the new jobs of today and the economic growth of tomorrow. Yet the death tax often hits small businesses the hardest.

Today, we see a dogged minority working again to keep death and taxes not just inevitable, but inseparable. But death and taxes are a destructive tag team for our economy, because the death tax destroys small businesses.

My colleague the Democratic leader said recently that during a trip home to his native Nevada, not a single one of his constituents spoke to him about the repeal of the death tax. I think he took this as some kind of proof that we should not address this issue.

Well, I want to bring to my colleagues' attention a Kentuckian who did approach me about this issue last week, when I was at the Perry County Civic Night at Hazard Community College in Hazard, KY, on May 31.

I spoke with a constituent named Bill Fields. He is the co-owner of Perry Distributors Inc., a beer distributor. Without permanent relief from the death tax, he is unable to plan for the future of his business and his family.

Bill is the third generation of his family to be active in the business, and his parents are still active in it as well. Right now, the Fields family has to pay between $15,000 and $25,000 a year

for an insurance policy, just in the event that Bill's parents pass on and the family is hit with this massive death tax.

And even at such a high cost, that policy will not cover the full tax burden. Bill estimates it will only cover about 20 percent. He would have to borrow to pay the rest.

Bill says: ''The way things are now, nobody knows what to do with estate planning.'' It's a shame, but it is true.

Now, Bill is still a young man—he is 43—with plenty of working years left in him. But one day, he will want to pass on his business to his heirs.

Unless we act, after Bill passes away, his family may have to sell the business he worked so hard to build during his lifetime just to pay these burdensome taxes. Bill's family faces the same dilemma as too many other Kentucky families who own small businesses.

Before I conclude my remarks, I want to bring to my colleagues' attention an excellent column in this Monday's Washington Post by the Senator from Alabama, JEFF SESSIONS, titled ''. . . Or Unfair Burden on Families?''

The Senator from Alabama rightly says, ''The death tax is almost dead. Let's put the stake in its heart.''

I commend my colleague Senator SESSIONS for writing so cogently and persuasively on the pernicious effects of the death tax. I ask that his column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 5, 2006]

''. . . OR UNFAIR BURDEN ON FAMILIES?''

(By Jeff Sessions)

This week the Senate is expected to vote on permanent repeal of the estate tax. With this vote, Congress will have an opportunity to finish the job it started five years ago.

The estate tax—or, as many of us prefer to call it, the death tax—is a tax imposed on the transfer of assets or property from a deceased person to his or her heirs. This is one of the IRS's most painful taxes, as it hits families at the worst possible time, when they are dealing with the death of a loved one.

Congress passed a gradual phaseout of this tax at the urging of President Bush in 2001, and it was scheduled to disappear in 2010. But because of the peculiarities of the lawmaking process, the death tax will return in 2011—at the same high rates that existed before—unless Congress enacts new legislation. In April 2005 the House passed a permanent repeal of the death tax by a vote of 272 to 162. Over a year has passed since; it is time for the Senate to act:

The list of reasons for eliminating the death tax is long. To begin with, this tax punishes thrift and saving. It tells people that it's better to spend freely during their lifetimes than to leave assets for their children and grandchildren, which will be taxed heavily by the federal government.

The death tax hits hardest at heirs of small-business owners and family farmers. In many cases, the heirs cannot afford to pay the tax and are forced to downsize, layoff employees or even sell their business or farm.

There can be no doubt that closely held family businesses that are growing and beginning to compete with the big guys are often devastated by the tax. I believe the death tax is a major factor in business consolidation and loss of competition.

This tax hurts the growth of minority-owned businesses. As the first generation of African American millionaires begins to die, many of the companies they founded will have to be sold to pay the estate taxes. For example, the tax almost forced the oldest African American-owned newspaper—the Chicago Daily Defender—out of business.

According to Heritage Foundation economists, the death tax also costs the American economy 170,000 to 250,000 potential jobs each year. These jobs are never created because the investments that would have financed them are not made, as these resources are diverted to pay for complex trusts and insurance policies to avoid the tax.

The death tax is double taxation. Most of the assets taxed at death have already been taxed throughout an individual's lifetime.

The death tax accounts for a small portion of federal government revenue, an expected $28 billion in 2006, or only 1.2 percent of federal receipts.

Many argue that repealing the death tax would decrease charitable giving, as this tax allows individuals to deduct gifts to charitable organizations. Yet, even though the phasing out of the death tax began in 2001, charitable contributions in the United States reached a record high in 2004.

The death tax even has a negative effect on the environment, as heirs are often forced to develop environmentally sensitive land to pay the tax. According to a study by researchers from Mississippi State University and the U.S. Forest Service, about 2.5 million acres of forest land were harvested and 1.3 million acres were sold each year from 1987 through 1997 to pay the estate tax.

Finally, the American people already understand the unfairness of the death tax and support its repeal. Sixty-eight percent of those surveyed in a recent poll commissioned by the Tax Foundation supported repeal of the estate tax. Moreover, the death tax was rated by Americans in the same survey as the least fair tax.

As a vote approaches, it is essential that constituents let their representatives hear now how unfair they believe this tax is. The death tax is almost dead. Let's put the stake in its heart.

Mr. ENZI. Mr. President, I want to take this opportunity to voice my support for H.R. 8, the Death Tax Repeal Permanency Act. Since coming to the Senate, I have continuously supported the repeal of this burdensome and unfair tax and am also a proud cosponsor of S. 420, the Death Tax Repeal Permanency Act and S. 988, the Jobs Protection and Estate Tax Reform Act.

I believe the death tax is fundamentally unfair because it constitutes another layer of taxation. After years of paying State and Federal income taxes and other taxes on property while trying to grow a business, the family must pay again at the time of death. This double taxation is unfair and should be eliminated.

Many small, family-owned businesses throughout my State of Wyoming cannot afford to pay the tax and are forced to close their doors. In addition, many landowners are forced to sell their property in order to afford paying this unfair tax and avoid passing on the costs to the next generation. Our country should encourage growth and investment, not force people to sell their assets. Families should not have to choose between paying taxes or operating their business just because a family member passed away. In Wyoming, we work hard, in pursuit of the American Dream, to create a better life for our children and grandchildren. Yet the death tax punishes this dream and the families who must pick up the pieces after losing a loved one.

The death tax not only hurts the families who are forced to pay the tax, it also hurts our overall economy. A Heritage Foundation study reports that repeal of this tax would create 482 jobs in Wyoming alone. While this number may not seem large to my colleagues from New York and California, 482 jobs would have a substantial economic impact for communities throughout my State. I believe we will see additional financial gains when businesses can continue their operations where previously they would have had to shut their doors.

The death tax forces families to spend thousands of dollars on estate planning. By forcing individuals and families to use vital financial resources on estate planning, money is being taken away from the family business or the family farm. When we eliminate this tax, jobs will be saved and money will be devoted to economic growth rather than extensive estate planning costs.

I urge my colleagues to support the passage of H.R. 8, which offers relief to America's hard-working families. Eliminating the death tax will bring fairness to our Tax Code as well as encourage continued growth in our economy.

Mr. OBAMA. Madam President, I rise to speak in opposition to the complete repeal of the estate tax.

First of all, let call this trillion-dollar giveaway what it is—the Paris Hilton tax break. It is about giving billions of dollars to billionaire heirs and heiresses at a time when American taxpayers just can't afford it.

My colleagues on the other side of the aisle have brought out the Paris Hilton tax break in June because they are eager to make it an election issue in November.

And I think that is fine. In fact, I am eager for the American people to choose. Because if people want their Government to spend $1 trillion—an amount more than double what we have spent on Iraq, Afghanistan, and the war on terror combined—on tax breaks for multimillionaires and multibillionaires, then the Republican Party is their party.

If the American people want to borrow billions more from foreign countries, spend billions more in taxes to pay the interest on our national debt, and watch billions cut from health care and education and gulf coast reconstruction, then the Paris Hilton tax break is your tax break.

Now let's be honest. This is not about saving small businesses and family

farms. We can reform the estate tax to protect the few farms that are affected. We can set it at a level where no small business is ever affected. We can even repeal the estate tax altogether for the 99.5 percent of families with less than $7 million in taxable assets—that means families with assets almost 100 times greater than the average American household net worth.

Democrats have offered to reform the estate tax in these ways time and time again. Reform is possible in a way that doesn cost $1 trillion.

But our offers have always been refused, which can only mean that the party in power is really interested in an unprecedented giveaway to the wealthiest of the wealthy.

And don't think for a minute that there is any plan to pay for this. Every proposal to enforce pay-as-you-go rules for fiscal responsibility has been rebuffed. This tax cut will have to be paid for in the years ahead by higher taxes on working families and reduced public services in all of our communities. This tax cut will have to be paid for by higher interest rates on homes and student loans. This tax cut will have to be paid for by greater dependence on foreign countries. Alan Greenspan warned us against financing tax cuts with debt. But that is exactly what this bill does.

So I would ask the American people one question. At a time like this—a time where America finds itself deeply in debt, struggling to pay for a war in Iraq, a war in Afghanistan, security for our homeland, armor for our troops, health care for our workers, and education for our children—at a time of all this need, can you imagine opening Forbes magazine, looking at its list of the 400 wealthiest Americans, and realizing that our Government gave the people on that list far more than half a trillion dollars worth of tax breaks?

I know I can imagine that. And I would bet that most Americans can imagine that either.

This is shameful. Are we really going to cut taxes again for the Forbes 400 before we fix the alternative minimum tax which affects middle-class families? Are we really going to cut taxes again for multimillionaires and billionaires before we extend the expiring child tax credit which helps working families? Are we really going to worsen our country's financial future for all Americans just so that a tiny number of the estates—estates that average over $13 million—can escape all taxes?

There is no economic justification for repealing the estate tax and certainly no moral justification. This is politics pure and simple.

So if the Republicans want to bring up their Paris Hilton tax break to use it as an election issue later, I say go for it. Because I can think of no better statement about where and how we differ in priorities than that.

Mr. HARKIN. Madam President, I am dumbfounded that the Senate is debating yet another gigantic tax break for the wealthiest people in our society. The Republicans are pushing this latest giveaway despite the fact that we are facing a deficit, this year, in excess of $300 billion a year, despite the fact that they have run up $2 trillion in new debt since President Bush took office, despite the fact that they have increased spending by 25 percent in just 5 years' time, and despite the fact that we are spending $10 billion a month on seemingly endless wars in Iraq and Afghanistan.

The level of irresponsibility is just breathtaking. This is a tax break we cannot afford, benefitting people who don't need it. Currently, the estate tax impacts far less than 1 percent of the wealthiest families in America. And you can be sure that these are not families facing economic hardship or struggling to make ends meet.

Repeal of the estate tax would not create a single new job. It would do nothing to increase productivity or competitiveness. It would do nothing to improve the education of our children or the general well-being of the American people. No, this is a pure and simple giveaway—a bonanza for those who have already received the lion's share of the tax breaks passed over the last 5 years.

And let's be clear: There is nothing conservative about handing out tax breaks costing nearly $1 trillion, including interest, over 10 years and passing the bill to our children and grandchildren.

In his State of the Union speech 3 years ago, President Bush made this statement: ''We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other presidents, and other generations.'' But that is exactly what repeal of the estate tax would do. It would add hundreds of billions of dollars to the already-massive debt that President Bush is passing on to ''other generations.'' This is not only irresponsible and reckless; it is just plain shameful.

Average family farmers are being told that they need repeal of the estate tax to save them from a large burden, perhaps losing their farm to pay the tax. But this is pure propaganda. It is simply not true.

The Congressional Budget Office analysis of estate tax returns from the year 2000 showed a very different picture. It showed that if we provide a $2 million exemption, $4 million for a married couple, which is the law for this year, only 123 farm-dominated estates would have had to pay any estate tax. That is a mere 123 farm-dominated estates in the entire United States. The details of the study note that, of those farm-dominated estates, only 15—15 in the entire United States—would not have sufficient liquidity to pay the tax. Only those 15 might have to sell land—though I doubt it. Large farm operations have a range of financial options to fall back on. Moreover, as a Washington Post editorial pointed out yesterday, family farm and business estate ''heirs can spread estate tax payments over 14 years, so even those without liquid assets have plenty of time to take over the farm or firm, manage it productively, and thus generate the cash to pay the tax.''

Neal Harl, one of the Nation's most respected lawyers and agricultural economists, knows of no instance where a farm has had to be sold because of the estate tax. Iowa Farm groups supporting estate tax repeal have not been able to identify even one instance, so far as I am aware.

There are, indeed, some family-business-dominated estates that would have to pay some estate tax. According to the Congressional Budget Office, at the current level of exemption, there are 135 estates. Only 135 estates in the entire Nation. So why is the Senate wasting precious legislative days addressing an issue affecting only 135 estates?

There is little question that the great majority of Senators—including myself and many other Democrats—would be in favor of passing a reasonable compromise, for example a permanent exemption of at least a $2 million for an individual, $4 million for a couple that is the current exemption.

Of course, I don't want to minimize or dismiss those few instances where real farmers and small business people might have difficulty paying the tax. I do believe that it should be possible to pass family farms and family businesses from one generation to the next. Bear in mind, however, that we have had substantial estate taxes for a long time. And, the reality is that many of those who face the current tax had parents who passed on those same businesses with higher rates than they face today.

There is little question that the great majority of Senators—including myself and many other Democrats—would be in favor of passing a reasonable compromise, for example a permanent exemption of at least a $2 million for an individual, $4 million for a couple. But I challenge my Republican colleagues to tell us how they intend to make up for the revenue that would be lost if a full repeal of the estate tax is passed. The difference between a $2 million exemption and full repeal is about a half trillion in the decade after 2011. How do the Republicans propose to offset that lost revenue? What do they propose to cut? Social Security? Medicare? Education? National defense? What other taxes would they increase? Or do they intend to simply pass on another half trillion in debt to our children and grandchildren?

Based on the record of the last 5 years, the most likely option is that the debt would simply be passed on to future generations. Since President Bush took office, we have already piled up nearly $2 trillion in new debt.

It is hard to believe, but just 6 years ago, before President Bush took office, we were running huge budget surpluses. We faced the very real prospect

of completely eliminating the national debt within the decade. But those bright prospects have been squandered in reckless tax cuts and out-of-control spending. We are now running record deficits. The debt tax will rise from about $600 for every man, woman, and child in America in recent years to more than $1,000 per person in 2010 according to the President's most recent budget submission.

How in the world can any responsible person who cares about the fiscal health of our Nation allow this to happen? How can anyone who believes in maintaining a ladder of economic opportunity for future generations—how can we instead saddle those future generations with a debt burden of this magnitude?

As President Kennedy said, ''to govern is to choose.'' If you vote to support this estate tax repeal, who exactly are you choosing to help? Well, according to Congress Watch, and United for a Fair Economy, just 18 families are in the forefront of those demanding this repeal. Those 18 families, with over $180 billion in accumulated wealth, stand to gain more than $70 billion in reduced taxes in the coming years if the estate tax is repealed. They have been spending huge sums for lobbyists and media campaigns. And if they succeed in avoiding paying $70 billion in taxes, then who will get stuck with the bill?

Of those 18 families, the biggest single beneficiary of full repeal would be the Walton family, which owns a lion's share of Wal-Mart. That one family may save as much as $30 billion.

I reject that choice. I reject giving away another half trillion dollars in tax breaks to those who have already been showered with fabulous wealth and good fortune. If we are going to pass new tax breaks, let's focus on working Americans who actually need them, beginning with working parents struggling to raise their children and pay college tuition.

Last month, I met with Warren Buffet, a multibillionaire and a very savvy judge of the economy and business. He said that he is working to shift some of his investments away from the dollar. He believes that the estate tax is good public policy, and he believes that a Nation that recklessly cuts taxes while racking up huge budget and trade deficits is heading for big, big trouble.

We need to come to our senses. Let's freeze the tax where it is, or let's consider a somewhat higher exemption, perhaps $4 million per couple. But let's reject the notion that huge estates should be passed on at a tax rate lower than what hard-working people pay on their earned income.

In any case, it is unacceptable that we on the minority side of the aisle are being denied an opportunity to propose reasonable compromise alternatives. We should not move to consider this bill until we have an agreement that Senators can have an open debate, with amendments offered and voted on by each side. And if we cannot receive such a guarantee, we should vote to reject cloture.

Madam President, this bill to repeal the estate tax would give away a half trillion dollars, as compared to the law for this year. It would give away money we don't have, overwhelmingly to people who don't need it, and it would pass the resulting debt to people who haven't even been born yet. This bill, in its current form, is reckless and irresponsible. I urge my colleagues to vote against cloture. This bill certainly shouldn't go forward until we have a fair, balanced proposal allowing amendments to the bill.

Mr. ALEXANDER. Madam President, I wish to express my support for a full and permanent repeal of the death tax. This is an issue of tax fairness. The death tax can consume up to half of the deceased owner's estate. Many assets that are subject to the death tax were already taxed during the life of the deceased through income taxes, property taxes and other levies. Imposing another tax on someone's estate at the time of his or her death is a grossly unfair form of double taxation.

In 2001, Congress passed a phase-out of the estate tax with full repeal effective in 2010. If Congress does not act soon, the law will revert back to where it was prior to 2001, placing an enormous tax burden on family-owned farms and small businesses. Some families would be forced to sell the farm or business they have just inherited to pay the enormous death tax bill. This goes completely against the American dream of working hard, growing a business and some wealth, and leaving the fruits of your labor to your children.

Some argue that death tax repeal only would benefit the very wealthy. During this debate we have heard names like Bill Gates and Donald Trump. However, the death tax has a major impact on a lot of Americans who aren't household names. For example, I want to talk about Clint Callicott from Williamson County, TN. Clint's family farmed on land in Williamson County that his father owned and then Clint inherited. The farm's value began to increase due to economic growth and development in the county, so at the time his father passed away the land was worth over $1 million. Clint was forced to sell the family farm against his wishes in order to pay the large death tax, and the Callicott family had to relocate to another county.

This unfortunate story illustrates the negative effect the death tax can have on family farms and small businesses, and this example is only one of many. In Alcoa, TN, Dick Daugherty and his wife tried to plan for the impact of the death tax in the early 1990's by hiring a very expensive estate lawyer. Their hope was to preserve their family farm for their children, and they went so far as to take out an insurance policy with significant premiums to ensure there would be enough cash when the time came to pay the death tax bill. However, today the value of the farm land has increased so much due to development in the Alcoa area that—despite their best efforts to plan ahead—it now looks unlikely that the Daugherty sons will be able to afford to hold on to the land that has been in their family since 1871.

Clearly, there is something wrong with a tax system that forces people off the land that has been in their family for generations. And it is just as wrong when the tax system makes it harder for family-owned small businesses to succeed. According to one study, less than 30 percent of these small businesses survive to a second generation and only about 13 percent continue to a third generation. These small businesses face enough hurdles as it is without Uncle Sam imposing yet another obstacle in the form of the death tax.

Supporters of keeping the death tax claim that repeal would be too costly for the Treasury. However, over the last 10 years the death tax only has accounted for about 1.3 percent of all Federal tax revenue. In addition, the ''costs'' of repeal have been overstated because estimates fail to account for estate planning and compliance costs, the tax revenue lost when a farm or business ceases operation due to the death tax burden, or the economic growth and job creation that would be generated by freeing up capital for investment.

I mentioned the burden of estate planning and compliance costs, and wanted to share another example from my home State of Tennessee. The Anderson Family operates a crop and beef cattle farm. Mr. Anderson recognized the need for estate planning and formed a family partnership that allowed him to pass on his farm assets to his children during his lifetime. This plan is likely to minimize the impact of the death tax, and will increase the chances that the Anderson children will be able to hold onto the family business. However, the considerable legal and accounting costs involved in forming this partnership could have been better utilized elsewhere in the family business.

It is staggering to note that as much as $847 billion over the last several decades has been diverted from the economy for estate planning and compliance costs, according to a Joint Economic Committee study. Estate planning can cost individual families as much as $150,000. This money could be put to better use if it were invested in creating jobs growing our economy. According to the Heritage Foundation, it's estimated that the Federal death tax alone is responsible for the loss of between 170,000 and 250,000 potential jobs each year.

We want a tax system that encourages growth and prosperity, not one that acts as a job killer. However, anticipation of the death tax's impact on one's heirs causes many people to stop working at an earlier age, to reduce

the amount of saving and investing, and to cut back on their entrepreneurial activities. Once these Americans reach a certain age, there is less incentive to further build up the estate because that simply increases the tax burden for the loved ones they leave behind.

That is not the right message to send. We should encourage the creation of jobs, new ideas, and new investment in our country. We should encourage our citizens to continue to strive for the American dream of working hard, building up their assets, and passing them on to future generations.

I am disappointed that efforts to repeal the death tax have been blocked in the Senate for the last few years, and I hope Congress will enact a full and permanent repeal.

Mr. LEVIN. Madam President, this bill to repeal the estate tax is unfair and unaffordable. Full repeal is estimated by the Joint Committee on Taxation to cost $776 billion over the first 10 years it is in full effect. And in fact that cost would be nearly $1 trillion when interest payments on the extra debt that would be required are taken into account.

Repealing the estate tax would only benefit a tiny percentage of the very wealthiest Americans among us by enabling them to pass additional millions of dollars to their heirs tax-free. It would shift an even larger share of the Nation's tax burden and debt onto the backs of average working families and our children and grandchildren.

Only a tiny fraction of estates pay the estate tax. In 2004, only 1 percent of estates in Michigan and 1.2 percent nationwide paid any estate tax. In 2006, those numbers will likely be even smaller because each individual's exemption from the estate tax will increase from $1.5 million to $2 million, with those numbers doubled for married couples. In fact, it is estimated that in 2006, just one-half of 1 percent of all estates will owe any estate tax. This percentage will continue to shrink as the exemption level rises. By 2009, when $3.5 million—$7 million for married couples—will be exempt, only three out of every 1,000 estates will owe any estate tax; that's one-third of 1 percent.

Why are the Republican leaders pressing this? Over the last decade, a massive public relations campaign funded by a handful of families has succeeded in creating the mistaken impression that the estate tax catches millions of average Americans. According to a recent report by two nonprofit organizations, Public Citizen and United for a Fair Economy, 18 families worth a total of $185.5 billion quietly financed and coordinated a 10-year effort to repeal the estate tax. The report tells how these families spent over $200 million contributing to political campaigns, financing outside lobby groups and trade associations, and creating a massive anti-estate tax coalition that served as the main coordinator of the repeal campaign.

The advocates of repeal have not been forthcoming about the billions they would save if the estate tax were repealed, but instead they have promoted stories about the effects of the estate tax on family farms and small businesses. Such family-run enterprises make up the core of the American economy and society, so it is no surprise that using them as the poster children in the campaign for repeal has been met with some public relations success. The well-funded initiative has left many with the mistaken impression that the estate tax requires many small businesses and family farms to be sold to cover the estate tax bill.

Few, if any, examples of that are ever offered, but no matter. The disinformation campaign continues. What is the reality? According to data from the Tax Policy Center, of the 18,800 taxable estates in 2004, there were only 440—or two percent—in which farm or business assets made up at least half the total value of the estate. Forty percent of these 440 farm and business estates were valued at less than $2 million and paid an effective tax rate of only 1.6 percent.

According to the Congressional Budget Office, at the upcoming exemption level of $3.5 million, only 200 farms in the year 2000 would have had to even file the estate tax, and fewer than 15 of those estates would have lacked sufficient liquidity to pay the estate tax.

From these numbers, it is clear that an exemption level and other safeguards can be set to keep effectively all small businesses and family farms from having to sell their businesses to pay the tax. That is why I hope that at some point in the near future we will be able to adopt a commonsense proposal to permanently set an appropriate, inflation-adjusted exemption level.

But proceeding to this bill at this time would not achieve that goal. The majority has indicated that if we proceed to debate this bill, consideration would be limited to a small number of predetermined amendments, each of which would set the tax rate on inherited wealth lower than the tax rate on workers' wages. Giving tax preference to inheritance over workers' wages is not the American way.

Furthermore, in the face of mounting deficits, adoption of any of the so-called compromise amendments being talked about would be fiscally irresponsible and would unfairly burden average taxpayers to make up the difference in lost revenue from the Treasury. The proposal endorsed by Senator KYL would still cost eighty-four percent of the cost of full repeal.

The estate tax was created not only to raise revenue but also to prevent the concentration of wealth in the hands of just a few families. It ensures that those who prosper so greatly in the American economic system do their fair share to contribute to our continued national well-being. Just like other Americans, the very wealthy benefit from public investment of tax dollars in areas such as defense, homeland security, environmental protection and infrastructure, and they rely even more than others on the Government's protection of individual property rights. The estate tax is not intended to discourage people from seeing to it that their children are more secure, but rather, it is aimed at helping keep avenues of opportunity open to all citizens. In the words of President Teddy Roosevelt, who proposed the estate tax: ''[I]nherited economic power is as inconsistent with the ideals of this generation as inherited political power was inconsistent with the ideals of the generation which established our government.''

We should make sure that our current and future tax policies consider not only the value to taxpayers of their take-home pay or accumulated wealth, but also the value to them of the essential government services that are funded by their taxes. It is not a popular thing to talk about these days, but our Nation relies on and needs tax revenues. Every day in Iraq and around the world our military needs tanks, aircraft carriers and protective body armor. We need scientists working toward cures for cancer, Alzheimer's disease and birth defects. We need teachers to educate our children so they can keep our Nation economically competitive in the next generation. We need USDA personnel to screen our meat and livestock for mad cow disease and harmful toxins. We need Government grants to help buy bulletproof vests for the cops on our streets. We need dollars to build new bridges and highways to relieve congested traffic, as well as dollars to repair potholes in existing roads.

On top of these things and many others we already appreciate, there are many other important initiatives: lowering the spiraling cost of healthcare so that all Americans can get the care and medicine they need, improving our education system so that every child grows up prepared to make a valuable contribution to our society, investing in leap-ahead energy technologies that will boost our auto industry and help end our dependence on imported oil, preserving our irreplaceable natural resources, and protecting the jobs provided by our Nation's manufacturers.

If we are to have any hope of paying for even a few of these priorities, eliminating the estate tax for the extremely wealthy is exactly the wrong thing to do. We are running record deficits and we are fighting a war in Iraq. We simply cannot afford such a massive tax cut which would push us even further into the deficit ditch. Today, each American citizen's share of the debt is almost $28,000, and as we continue to run up record yearly deficits, the country's total debt is estimated to reach over $12 trillion by 2016, which is $39,000 per person. It is not just reckless fiscal and economic policy to saddle future generations with this kind of crushing

debt burden; it is morally reprehensible to pass this kind of burden to our children and grandchildren.

We need to look out for all of our citizens, not just the few who are extraordinarily wealthy. I cannot agree with policy changes that favor a handful of multimillionaires, one-third of 1 percent of our people who are the very wealthiest, at the expense of working American families and of critical national priorities. That is why I am opposed to repealing the estate tax.

Mr. KERRY. Madam President, today we are debating repeal of the estate tax. Many of us have supported reform to the estate tax in a reasonable way that will help families keep their small businesses and farms. But this debate about repeal of the estate tax has become unreasonable and fiscally irresponsible.

Some in the Republican majority are calling for full and permanent repeal of the estate tax and have referred to the estate tax as ''immoral'' and ''vicious.'' I disagree. Only very wealthy Americans will benefit from the proposal before us today. It is a proposal that does not reward work, entrepreneurship, or innovation.

I also wonder why we are debating this today. The estate tax debate was postponed last fall because of Hurricane Katrina. New Orleans is still recovering and all signs point to the region being in dire need of more Federal assistance in the months to come. I believe it is still an inappropriate time to debate the estate tax. Congress just passed a $70 billion tax cut that will give those with an income of $1 million an average tax cut of $43,000. Additionally, we have had troops in Afghanistan since October of 2001 and in Iraq since March of 2003. This is a time for sacrifice, not time for another debt financed tax cut for the richest Americans.

Congress is not sending the right message by debating the repeal of the estate tax when soldiers are risking their lives and many citizens are still left homeless by Hurricane Katrina. The estate tax is simply the wrong priority.

Only a few wealthy Americans will benefit from repeal of the estate tax, but it will harm many. Repeal hurts tens of millions of Americans by shifting even more of the tax burden from those who hold wealth to those who work day in and day out to earn a paycheck. Since the proposal is not paid for, it hurts our children and grandchildren by creating billions in debt and interest that they will have to pay for. According to the Center on Budget and Policy Priorities, the total cost of repealing the estate tax for a decade would be nearly a trillion dollars. This revenue could be well spent on essential initiatives such as rebuilding the areas devastated by Hurricane Katrina, our national defense, children's health care, equitable tax reform or paying down the debt.

Repeal of the estate tax hurts millions of working families who need Congress to resolve far greater problems in our tax code, like the punishing and expanding alternative minimum tax, AMT. The AMT is levied on taxpayers merely because they have children and happen to live in particular States. Yet according to the majority leader, the estate tax—which is levied on individuals who will inherit at least several million dollars—is the ''cruelest and most unfair tax.'' I don't see the logic in that argument and I am confident the American people can see through it as well.

My colleagues on the other side of the aisle argue that estate tax repeal is needed to help small businesses, but I bet you would not hear them discuss a provision in H.R. 8 that will result in increased capital gains taxes for small firms. Under current law when a person inherits an asset, they receive a ''step-up'' in basis. This means that the person inheriting the assets receives a tax basis increased to fair market value at time of death. When the person sells the property, he or she is only taxed on the difference between the sales price and the fair market value at the date of death.

H.R. 8 would limit the amount of assets that are eligible for step-up basis. Assets exceeding $1.3 million would receive ''carryover'' basis under which the heirs receive the same basis as the deceased owner. Assets of up to $4.3 million transferred to a spouse will receive step-up basis. Carryover basis usually results in higher capital gains taxes because tax will be owed on the difference between the sales price and the basis that the decedent had in the asset. Certain assets will no longer have step-up basis which gives heirs a basis equal to the fair market value at time of death. This change in basis will result in a greater difference between the sale price and the heir's basis.

I agree that Congress should address the estate tax in the coming years, but we need to keep in mind that the current uncertainty was created by the majority's unsound tax policy. It is because of the Republican tax policies that the estate tax is now set to disappear in 2010 and then return to its previous levels in 2011. We tried in the past to make estate tax relief permanent. In 2002, we proposed exempting estates of up to $4 billion and permanently reducing the top rate to 45 percent, but that was not acceptable to advocates for full repeal. Now the Republican majority points to the problems they created with earlier tax cuts as justification for repealing the estate tax—creating further problems, greater inequity, and more debt.

According to a July 2005 Congressional Budget Office, CBO, report, very few farms and small businesses will pay the estate tax if it is set at a reasonable level. The CBO report shows that if the exemption is set at $2 million, only 123 farms and 135 family-owned businesses would have taxable estates and even fewer would have insufficient liquidity to pay the estate tax. Even if one disagrees with the CBO report, we should all be able to agree that raising the exemption amount helps small business and farms. Proposals that exempt inheritances above $3.5 million would overwhelmingly benefit those who own stocks and other securities and really have nothing to do with helping family farms or businesses. If the exemption is increased to $3.5 million, only 0.3 percent of all estates would be affected. Many of these assets have never been taxed, given that assets of wealthy estate frequently include stocks that have never been taxed.

Often it is argued that the estate tax needs to be repealed to assist small businesses. There is no concrete evidence that a family-run business has been put out of business by the estate tax. If the AMT is not addressed it will hurt many more small businesses, but instead of addressing it, Republicans prefer to promote the myth that the estate tax shatters small businesses.

At a time when income inequality is increasing, the estate tax should not be the priority of the Senate. According to the Federal Reserve's Survey of Consumer Finances, the average net worth of an American family grew 6.3 percent while the bottom 40 percent of families' median net worth fell.

When President Theodore Roosevelt advocated an estate tax nearly a century ago, he argued that, the ''man of great wealth owes a peculiar obligation to the state, because he derives special advantage from the mere existence of government.'' He further advocated, ''We are bound in honor to refuse to listen to those men who make us desist from the effort to do away with the inequality, which means injustice; the inequality of right, opportunity, of privilege. We are bound in honor to strive to bring ever nearer the day when, as far as is humanly possible, we shall be able to realize the ideal that each man shall have an equal opportunity to show the stuff that is in him by the way in which he renders service.'' We should heed the words of President Roosevelt and vote against estate tax repeal.

We need to return to a tax system of fairness and equity. Our tax system should reward work and create wealth for more people; it should not be skewed to the wealthiest among us. We need to work together to find a solution to the estate tax which reflects the reality of our fiscal situation and provides certainty for hard-working families.

Mr. BOND. Madam President, 5 years ago Congress took steps to end the death tax. Now the American people expect us to finish the job.

We need to end permanently the tax that punishes American values of savings and investment and of building small businesses and family farms and ranches.

The death tax punishes the American dream—making it virtually impossible for the average American family to build wealth across generations.

The death tax is anti-savings, anti-family, and anti-investment. It is quite simply un-American.

If we don't act now, the death tax will come back in just a few years. Under current law the death tax is phased out in 2010 but comes back in full force in 2011. That is a ridiculous and untenable policy.

The death tax should be completely and permanently repealed now in order to make the Tax Code fairer and simpler and to eliminate the harmful drag this tax has on the economy.

According to the Small Business Administration, more than 70 percent of all family businesses do not survive through the second generation, and 8 percent do not make it to a third.

The death tax is one of the leading causes of the dissolution of small businesses.

It hits those who own small businesses and family farmers the most. When faced with the death tax, farmers and ranchers are in an especially tough spot with most of their assets tied up in land and buildings, livestock and equipment. This gives them little flexibility when settling estates. Unlike an investor with a stock portfolio, they can't simply sell off a block of stocks and move on.

We can all understand budget shortfalls due to a multitude of national and international events. But it is wrong to argue that we can shore up the budget by imposing a death tax on hard-working farmers and small business owners who are the backbone of the American economy.

In reality, the death tax collects little revenue, less than 1.5 percent of Federal revenue.

According to the CATO Institute, compliance with the death tax costs the economy about what the Treasury collects.

A recent study analysis in 2005 by professors at Carnegie Mellon University suggest that repeal would cause a net increase in Federal revenues through dynamic growth effects and increased capital gains receipt.

The Wall Street Journal has reported that repealing the death tax would create an extra 200,000 jobs per year.

Debate usually focuses only on the taxes that estates actually pay, ignoring the real costs this tax imposes on owners of small businesses and family farms. These include estate-planning costs, compliance costs at death, and overall economic growth.

Americans are paying millions of dollars every year to lawyers and accountants just hoping their children will not have to sell off the family business to pay the death taxes. Most small businesses and ranches will not be viable if the children have to sell off half to pay the tax.

That money would be much better spent creating jobs, upgrading family farms, or saving for retirement or a child's college education.

Eliminating the death tax is a matter of fairness.

When folks work their entire lives to build up and pass on a business or family to their children, the kids should not get hit with a huge tax when they die. That is just not the American way.

Americans overwhelmingly agree that it is wrong to tax property and earnings that have already been taxed before. Polls consistently show over 70 percent of Americans support repeal.

Let's have the courage to separate death and taxes.

Mr. HATCH. Madam President, I want to take a few moments to discuss the estate tax and explain why I support its permanent repeal.

I am well aware that many see the move to eliminate the estate tax as little more than a gift to the rich. In my home State of Utah, for instance, the Salt Lake Tribune characterized the elimination of the estate tax as nothing more than ''subsidizing spoiled heiresses at the expense of everyone else.''

I believe that while this is a commonly held view of the estate tax, it is an unfair and inaccurate pejorative of a principled policy position. A punitive tax on inherited wealth is in no one's best interest, least of all the people with no inherited wealth. The Tax Code should collect revenue in a way that does the least harm to economic growth, and this goal should take precedence over any desire to punish the Paris Hiltons of the world.

Without a doubt, the high estate tax rate harms economic growth.

Perhaps our tax system's biggest flaw is that it taxes the returns to investment, usually more than once. When our employer pays us a dollar, both the Federal and State governments gets their share. When we save what is left over by investing it in stocks or bonds, the government takes another bite at the apple by getting a share of the profits of the company in which we invested. And when the stock or bond delivers an investment return to us, we get to pay the tax man yet again.

The estate tax is often yet another layer of taxation on the investment. How many times does the government need a cut of our money?

At what point do we stand up and say: Don't tax more; spend less?

Because of the estate tax, people save less than they otherwise would and as a result businesses have less capital available to use to grow, expand, and create jobs. With less investment, workers are less productive and wages are lower than would otherwise be the case.

The Bush administration's signature economic achievement, in my view, has been to lower the tax on dividends and capital gains, a change that deserves much of the credit for the strong productivity growth of the past three years. This policy change greatly increased investment and the concomitant growth in output has a lot to do with the simply incredible growth in tax revenue we have seen in the past 2 years.

It now appears that we will collect 30 percent more tax revenue this year than we did just 2 years ago, according to the Congressional Budget Office. This is really incredible. Especially when you consider that the economy was headed for a free fall just 5 years ago. Our efforts to cut taxes have saved our economy over the last 5 years.

A sensible tax system should tax income just once and at a low rate. The inheritance tax does neither.

The current 46-percent estate tax rate borders on being confiscatory. Chris Edwards of the Cato Institute reports that out of the 50 largest economies in the world, we have the third highest estate tax rate.

Len Burman of the Urban Institute recently wrote that it is time for both sides of the aisle to agree that the U.S. Tax Code should be designed solely to collect money in the most efficient way possible, so that it does the least damage to economic growth. From that beginning we can then move to address distributional issues outside of the scope of the Tax Code.

I believe this makes a lot of sense. Strong economic growth is in everyone's best interest, and we have not done a good job communicating that fact to the American people. Too often economic growth is viewed as a barrier to a cleaner environment, or stronger families, or less poverty, when in fact nothing could be further from the truth. Nearly everyone in society benefits from a more productive economy, especially those on the lower rung of the economic ladder.

The way to help the people at the bottom of the ladder is not to pull down those at the top of the ladder, but to help those at the bottom to get the education and training they need to obtain and keep good jobs.

The estate tax as it currently stands represents a barrier to economic growth, and it behooves us to remedy this situation as quickly as we can by making its repeal permanent.

Mr. BURNS. Madam President, I rise today to express my support for H.R. 8, a bill that would permanently repeal the death tax. This burden is especially harmful to many Montana farms, ranches, and small businesses. As we have heard many times in the past several days, the value of a person's estate is measured by its fair market value at the time of death.

In Montana, as you can imagine, land value has appreciated significantly in recent years. When the death tax hits, often part of the ranch or farm must be sold off to pay federal taxes. The death tax is not only about the wealthy—it harms working families in Montana who have farmed or ranched on the same land for generations, but now, due to no fault of their own, are forced to give up their way of life just to pay the tax bill.

Land appreciation in Montana is a double-edged sword. While soaring property values benefit sellers and the

local tax base, for those with no intention to sell their property to the highest bidder, the death tax helps make a difficult decision even easier. We already face high out-migration from frontier counties in Montana. It is difficult enough to keep younger generations involved in the family business, but even harder when a death sets in motion a series of unpleasant financial events, including payment of this burdensome tax. I have been a strong supporter of the permanent, full repeal of the death tax. It isn't fair to families who have worked all of their lives to build assets and a way of life that then is taken away. At the very least, the Federal Government should not punish small businesses, farms, and ranches for filling such an important role vital to our economic well-being. I have spent a lot of time on these ranches, and I am here to tell you that these Montanans are some of the hardest working people in the country. By and large, they are not multimillionaires who purchase dude ranches as a pleasant distraction from the hustle and bustle of city life. These are folks who spend a lot of hot days in June swathing hay to make sure the cows are fed throughout the winter. They invest blood, sweat, and tears, often for a dwindling profit. For example, let's look at the case of Mary Jo Lane from Livingston, MT. She wrote to me, saying:

My husband Tom operates the family ranch east of Livingston on the Yellowstone River. My father-in-law, Tom Lane, Sr. is the epitome of the American success story. His father was a first generation American and his mother was an Irish immigrant. He started ranching on his family's ranch out of Three Forks with his brother and became a cattle buyer. Through much hard work, determination and moderate living, along with a little Irish luck, he was able to buy the Livingston ranch in 1972, and his brother took over the ranch in Three Forks. Over the last thirty years Tom Sr. has been able to put together a ranching operation large enough to keep all four of his sons working on the family ranch. In addition to my husband on the Livingston ranch, his brothers operate ranches in Cascade, Harlowton and Ismay. In 1972, I am sure he never imagined what would happen to land values in this area. The ultra-wealthy and celebrities have been driving up land values which agriculturally we can never gain enough income to support. This would be great for anyone interested in selling their land, but it puts a huge burden on the family rancher interested in maintaining the dream of passing the land down to their kids and staying true to the family heritage. With these new purchasers gaining land for purely aesthetic reasons, with no consideration to generating income from the land, we just can't keep up with rising estate costs. In our case, we already know it is not a matter of if we have to sell a piece of land, but which piece to sell that will have the least effect on the operation. This issue is not purely agricultural; it flows into so many other segments of society. As you know, this land is like our factory and when part of the factory is sold, that reduces production which in turn reduces income and reduces taxes paid to the government. No matter how much the land is valued, it still requires about 25 acres to carry one cow/calf pair. Consider too, what selling out does to the small ag communities in the state that rely on ranchers to buy their farming implements, parts, fuel, etc. etc. Estate taxes have a direct impact on the environment as well. Ranches and farms keep the Western land open, limiting development and giving wildlife and people room to roam. Many people come from all over America to visit our beautiful state, but they don't appreciate the fact that the family rancher is paying quite a price to keep it that way.

This experience shows how the death tax has affected just one working Montana ranch, and makes a powerful case for permanent and full repeal of the death tax. Another Montanan called the death tax ''un-American'' since ''ranches are having to be sold in part or entirety to pay the estate tax.'' This point is well taken—the death tax is not levied only against the rich, but against hard-working Montanans. Robert Rumney from Cascade, MT, wrote:

My father has been building this family ranch for almost 50 years, and I have been working with him full time for over 25 years. This winter, we have been updating our estate planning, so that my son and I will be able to continue to work and live on this family ranch. We did research on fair market value of ranch land, and came up with a very conservative estimate of over $10,000,000 value. This included land, cattle, and presently owned equipment. All of these are absolutely necessary to continue to operate this cattle ranch. With the recreational buyers driving up the price of land far beyond its actual agricultural value, it is becoming virtually impossible to pass on a long-time family ag-operation to the next generation. What is this going to do to our nation? What is the purpose of eliminating the family-owned farm or ranch? The affluent buyers are not operating these ranches as producers, but rather using them as private hunting and fishing retreats. How are we going to feed our nation? The estate tax of any kind is going to affect all of us, not just the poor rancher or farmer who is trying to pass along his hard work to the next generation. Please don't allow this to happen. Please vote to eliminate the estate tax.

Robert's letter points to an inevitable result stemming from the death tax. If our working farms and ranches are taxed out of existence, the economic impact would extend far beyond these families, and would affect domestic agricultural production. This statement may well be a reality should the 55 percent tax rate come back in full force in 2011 without any congressional action. The death tax is unfair because it represents essentially a double taxation. Ms. Merelee Manuel from Winnett, MT, explained to me:

Dear Senator Conrad Burns,

I'm deeply concerned about the repeal of the Death Inheritance Tax. I want to explain what happened to the Gjerde Ranch. I was married to Bud Gjerde. We lost his Dad, John Gjerde. We paid the death tax on the ranch when his mother Margaret Gjerde inherited the ranch. She passed away and death tax was paid again. Bud and I bought the ranch, and then Bud passed away Feb. 3, 1975. The death tax was paid again. This took place in a time span of 10 to 12 years. The death tax was paid 3 times! We were NOT RICH. We saved and scraped and did without so that we could put some savings away for a rainy day. Guess what? It had to be used to pay Death Inheritance Tax. This is the most unfair tax of all. Income tax was being paid on this ranch every year. Please don't think it's just the rich who benefit from not having to pay death inheritance tax.

I think it's fair to say that Federal share of this ranch in Winnett was far larger than it should have been. As this letter shows, it's becoming more and more difficult to maintain the family farm in the wake of such excessive taxation. The death tax not only poses hardship on Montana's farms and ranches, but on a variety of other small businesses. Donald Dulle, Jr., runs the Flathead Beverage Company in Kalispell, MT. In a letter to me, he said:

I am counting on you to provide permanent relief from the death tax so I may plan for the future of my business and my family. Evidence has shown that a mere one-third of family-owned business survive the next generation. Too often liquidation is the only choice for family members who have worked side by side with parents and siblings to create a business of value in order to provide certainty for generations to come. I urge you and your colleagues, Democrats and Republicans alike, to put aside your differences and demonstrate the leadership for which you were elected by putting America's family-owned businesses first.

The damaging impact the death tax has on Montana's small businesses and estate planning is widespread. This experience is not limited to just a few Montana businesses but extends across the country. In the Statement of Administration Policy dated June 8, 2006, the administration notes that ''Fundamentally, the death tax penalizes savings and risk-taking, reduces capital formation in the economy, and ultimately, reduces living standards . . . The time to fix this problem is now, so American families can plan for the future without worrying about whether the death tax will reemerge.''

For those of you who may be familiar with the band the Beatles, they had a song called the ''Taxman.'' Though the lyrics were written in 1966, they still remain especially true today, even with a reference to payment of taxes at death. The lyrics say, ''Now my advice for those who die, Declare the pennies on your eyes.''

In the Senate, we have tried to provide relief for small businesses. Unfortunately, we were prevented from continuing work on small business health plans. I urge my colleagues to support the full and permanent repeal of the death tax to provide basic fairness to these small businesses that are the engine that drives not only Montana's economy, but the Nation's as well.

Mr. BYRD. Madam President, along with millions of Americans, I am acutely sensitive to the values of saving and hard work. Like citizens all across our country, many West Virginians devote their lives to acquiring and nurturing a family business or farm in order to pass it on to a son or daughter. These forward-looking Americans ought not to have to worry about their heirs losing the family heritage

because of the demands of the tax code. While I oppose full repeal of the estate tax, I had hoped to support a compromise measure that would exempt small businesses and farms.

In order to debate the estate tax repeal, and work on an amendment exempting small businesses and farms, I had hoped to vote for cloture on the motion to proceed. However, if cloture on the motion to proceed to the estate tax bill had been invoked, a compromise would not have been possible. The majority leadership indicated an intent to immediately file cloture on the underlying bill, and then to limit votes on amendments. The Senate would have then been forced to accept legislation that could have cost the U.S. Treasury up to $1 trillion over 15 years.

If a realistic estate tax repeal is ever to be enacted, the Senate must be allowed to fully debate and amend the estate tax repeal. Such a sweeping tax repeal should not be forced down the throat of the Senate without a thorough debate and the offering of reasonable amendments. Until such time as an understanding is reached to fairly debate the matter—including the offering of amendments—I must oppose taking up the bill.

Mr. SMITH. Madam President, I would like to express my support for compromise on reforming the ''death'' tax. I have always been a supporter of full repeal of the estate tax. However, the votes are simply not there. For America, small businesses, farmers, and others to get the full benefit of estate planning, they need to have something permanent—and not something that is suspended in 2010. Therefore, it is critical that we come together and support a compromise on the estate tax.

I believe that the greatest issue with the estate tax relates to small businesses. In many instances, upon the death of the owner, the family needs to sell its business in order to stay in business. This is not good for our economy. It is important to remember that these earnings which go toward someone's net worth are earnings that if left in the economy would create jobs. In fact, the Heritage Foundation estimates that repeal of the estate tax could produce 240,000 new jobs per year. In my home State of Oregon, repeal would create over 3,000 new jobs. Clearly, these dollars would do far more good for our economy if they are used for employing people and investing in plants and equipment than if you take them into the Government and redistribute them through Washington.

Small business owners are out there taking the risks—and I believe they should be left with the rewards. When running a small business, there is no set calendar which guarantees you vacation or even weekends off. You are working all the time—even Christmas. Owning a small business is a hard way to go, but it is also a great way to go if you have the stamina for it. I applaud all small business owners. They are the spark plugs of the American dream. Unfortunately, they tend to be underappreciated in the halls of government. But small businesses are central to the progress of our country.

The compromise package that seems to have the most support would increase the exemption limit to $5 million. Estates valued over $5 million but less than $30 million would be taxed at the capital gains rate of 15 percent—and estates over $30 million would be taxed at 30 percent. I think this is a reasonable approach. If your estate is over $30 million, you are at a place where you can hire the expensive lawyers and purchase the insurance policies. Basically, you can plan for the next generation in ways that smaller businesses frankly find befuddling and counterproductive to their continued employment and operation of their business.

Some argue that the estate tax is important because it redistributes income between generations. But is it really the Government's business to redistribute income? My own sense is that it is better for the economy if you leave the assets at home—with small businesses and with families. In my opinion, the best redistributer of income and inherited wealth is freedom. Usually third generations will do very well or horribly—thereby redistributing income through freedom.

Lots of people also argue that very few estates are subject to the estate tax today—and they are right. In Oregon, only about 400 estates were subject to the estate tax in 2004. However, the reason that lots of estates don't pay the tax is because they are expending an extraordinary amount of money on insurance policies, lawyers, estate planners, and accountants to try to get around it. These extra fees are the equivalent of a tax for owners of small businesses and farms that need to plan ahead to avoid the tax. Secondly, I believe these resources are better spent plowing them back into businesses and investments that are more productive than just accounting and lawyering.

It is time to put the death tax to rest. I believe that reasonable people should be able to live with compromise. It will provide certainty to small businesses and allow them to keep the rewards of their hard work.

I urge all of my colleagues to support a compromise on the death tax.

Ms. MIKULSKI. Madam President, today the Senate is considering whether to repeal the estate tax. I believe strongly there are problems with the estate tax. Most importantly, it needs to be reformed so it applies to fewer people.

To ensure our Nation's economic competitiveness, government must reward thrift, hard work, and entrepreneurship. It cannot punish those who have saved and worked hard. Instead, we should support our small businesses and family farms—the engine of economic growth in America.

To do this, Congress must raise the exemption for the estate tax. In 2006, estates worth more than $2 million are subject to the tax. This is too low and subjects too many Americans to the estate tax. That exemption needs to be raised. The baby boomers are growing older and approaching retirement, and many have attained some measure of economic prosperity through their years of hard work. They should not be punished for this well-deserved success. Tripling the exemption to $6 million will make sure that the estate tax continues to target an extremely small group of very wealthy Americans. In fact, with an exemption of $6 million per person, or $12 million per couple, less than 50 of all those who pass away in Maryland in 2006 will have to pay any estate taxes at all.

At the same time, I stand for a patriotic pause, which means not passing any new tax cuts until our Nation has paid for the war in Iraq and our troops. The war in Iraq is costing us $2 billion each week. Where is the Iraqi oil that we were promised would help pay for this? There cannot be a change in our revenue stream until the war is over—or paid for by Iraqi oil. If I have to choose between a tax cut or body armor for our troops, I choose body armor. Our first obligation must be to our troops.

War is not the time to be repealing the estate tax. Americans are putting their lives on the line to serve in Iraq and too many are making the ultimate sacrifice for their country. Now more than ever, we cannot afford to repeal the estate tax. But we must reform it.

I am a deficit Democrat. The Federal Government has a $337 billion budget deficit. But that pales in comparison to our Nation's debt, which has risen to $8.3 trillion. It has been estimated that by 2015, each American family's share of our national debt will be $85,000. It affects us all.

I took the tough votes in 1990 and 1993 that led to a balanced budget. They led to the first budget surplus in a generation. But most importantly, those steps put the economy back on track and resulted in 8 years of prosperity enjoyed by all Americans. We created 23 million new jobs and increased wages. Inflation fell and unemployment dropped to historic lows.

Today, Congress must act responsibly. We should not be repealing the estate tax. We should be reforming it so it affects fewer people, protects our small businesses, and so we can keep our Nation strong and secure.

Mr. McCAIN. Madam President, let me say from the outset that I do not support full repeal of the estate tax. I have consistently voted against repealing this tax because of the impact it would have on the deficit, as well as the possible chilling affect it could have on charitable giving in this country. Having said that, I do recognize the need for commonsense reform of the estate tax structure. However, due to our serious fiscal constraints, we

must proceed very cautiously on this and all other federal tax and spending matters.

In his 1906 State of the Union Address, President Theodore Roosevelt proposed the creation of a Federal inheritance tax. Roosevelt explained: ''The man of great wealth owes a peculiar obligation to the State because he derives special advantages from the mere existence of government.'' Additionally, in a 1907 speech he said: ''Most great civilized countries have an income tax and an inheritance tax. In my judgement both should be part of our system of federal taxation.'' He noted, however, that such taxation should ''be aimed merely at the inheritance or transmission in their entirety of those fortunes swollen beyond all healthy limits.''

I agree with President Roosevelt, and I remain opposed to full repeal of the estate tax. I have indicated, for several years now, that I am open to considering a reasonable compromise that addresses the concerns of those on both sides of this issue. What constituted a fortune ''swollen beyond all healthy limits'' in 1907 is very different from the wealth we see today. I don't think it's unreasonable to raise the amount exempted from estate taxes in order to protect America's family farms and small businesses while maintaining the tax for huge fortunes. We need to debate this issue and come to some kind of resolution. As we all know, our colleague, Senator KYL, has worked very hard for a long time to craft an alternative to full repeal. His compromise deserves to be debated and voted on.

To his credit, the majority leader has consistently indicated that, if the Senate can secure cloture on a motion to proceed to legislation dealing with the estate tax, Senator KYL would be recognized to offer his alternative proposal as an amendment. Therefore, I am voting to invoke cloture on the motion to proceed to H.R. 8 so that we can debate and vote on the Kyl alternative. In 2001, I stated that I supported ''estate tax reform that will take into account the effect such reform will have on our robust charitable community. For this and other reasons, I support a $5 million cap with regard to the estate tax cut.'' My position remains unchanged today. Senator KYL's alternative proposal would put that $5 million cap in place. It is a good compromise and is consistent with my longstanding views on this issue.

I want to be clear. This vote should in no way be viewed as a vote in support of full repeal of the estate tax. It is not. It is simply a vote to allow debate and amendments on the issue—with one of those amendments being the alternative crafted by Senator KYL. This vote is consistent with both my longstanding opposition to full repeal of the estate tax as well as my support for a reasonable compromise. Again—I continue to oppose full repeal of the estate tax, but look forward to supporting Senator KYL's alternative proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, how much time is it remaining on our side?

The PRESIDING OFFICER. There is 7 minute 45 seconds remaining on the Republican side.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the time be divided in the following way: Senators SESSIONS for 3 minutes, Senator DEMINT for 2 minutes 45 seconds, and Senator HUTCHISON for 2 minutes, and that each be notified of their time when they come to that limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank the Senator from Texas. Earlier this year, 26 Senators signed a letter that I produced asking Senator FRIST, the majority leader, to bring up this bill. He has worked hard to find the time, and here we are.

I recall, and I will set the record straight, that the death tax is eliminated already in the year 2010. It goes to zero. But the next year, the exemption is $1 million and the rate is 55 percent, a confiscatory rate.

The American heritage is one of savings and frugality and a belief in the right to own private property and leave that property to whomever people choose on their death. That is why overwhelmingly people who are not impacted by the death tax believe it is wrong and say in poll after poll it should be eliminated.

The cost of collecting this tax exceeds what it brings in to the Government coffers. That is the definition of a bad tax—the very definition of it. A good tax is one that is simple and fair and low cost to collect. This one is exactly the opposite, causing all kinds of gymnastics to avoid it.

Finally, and importantly, it savages growing closely held businesses. I think about one man I met traveling in Alabama. He and his sons own three motels. He met with me and told me they were paying $80,000 a year for a life insurance policy because when that father dies, it will take that much life insurance, $7,000 a month, to pay the death tax.

They are competing with the big guys—Howard Johnson's, Holiday Inn, Marriott—trying to really get up there, but every month they are paying $7,000 that could be used to pay down the mortgage on their motels and build a competitive business. That is why this tax is adversely impacting our country. It is against savings, it is against frugality.

I received a call from Robert Johnson this week, head of Black Entertainment Television. He is competing with CBS, NBC, Fox, and ABC. He is trying to do well. He has a family-held business. If something happens to him, he said there is no other African American who can buy this business. It is going to be bought up by some conglomerate.

I ask my colleagues to remember that CBS, ABC, FOX, and NBC never pay a death tax. Holiday Inn never pays a death tax. It is the small, closely held businesses that are expanding, have no cash for investing in their next new motel who compete with the big guys who have to suck out that money.

Those who want to keep estate tax claim repealing it will cost the Government too much money.

I would like to discuss this issue in some detail. They point to two Government reports—one by the Joint Committee on Taxation, or JCT, and one by the Congressional Budget Office, or CBO. Both these reports assert that repealing the death tax will reduce Government revenues by approximately $280 billion from 2011 to 2015. However, simply put, these cost estimates are not realistic.

Before discussing why, it is important to note that the JCT does not generally share the specifics of their revenue estimates, describe their methodology, or reveal their assumptions to the general public or Members of Congress. We thus must speculate exactly how JCT arrives at their revenue projections. Of course, if the JCT is so confident in the quality of their estimates, one must ask why they are reluctant to reveal their methods and assumptions.

There are many reasons to believe that revenue loss estimates by JCT and CBO regarding repeal of death tax are on the ''high side.'' First, as Joint Economic Committee points out, JCT has estimated that the total revenue loss from death tax repeal would actually exceed revenue the tax raises. This is a curious notion, to say the least. At the time of JCT's analysis, estate tax was expected to raise $218 billion from 2011 to 2015—the 5-years after the death tax returns to its 55 percent top rate. However, JCT estimates that over that same period of time, repeal would lose $281 billion in revenue. In other words, revenue lost from estate tax repeal would equal 129 percent of the actual revenue the tax is supposed to raise. A similar pattern exists for CBO estimate where revenue lost from repeal equals 120 percent of the actual revenue it is estimated to raise. This pattern—present in both estimates—certainly begins to raise questions about these scores.

Second, passing the bill before us would eliminate the stepped-up basis rule. What is the stepped-up basis rule? Current law allows inherited assets to be valued at their current market value at the time of decedent's death. The heirs get a stepped-up basis rather than having as a basis the original purchase price. No capital gains tax is therefore applied to any increase in the value of that asset. This reduces capital gains tax collections significantly. For example, if an heir were to inherit a house valued at $250,000 that was originally purchased by her father for

$100,000, the daughter would pay no capital gains tax on the $150,000 increase in the value of that home. The bill we are debating today would effectively change this to require that a capital gains tax be paid on the full increase in the asset price from the time it was originally purchased. As the Wall Street Journal pointed out this week, the JCT has calculated that changing how inherited assets are treated in terms of capital gains tax law would raise $50 billion to $60 billion a year. Most important, this $50 to $60 billion exceeds the amount of revenue the estate tax raises annually, which has only accounted for 1 percent to 2 percent of all Federal receipts over the years. In other words, the estate tax has not traditionally been a major source of revenue for the Federal Government and elimination of the stepped-up basis rule should more than cover any loss of revenue from eliminating this tax.

A 2005 study from one econometrics firm—CONSAD Research Corporation—backs up this analysis. In particular, they found that the revenue impact of permanent repeal coupled with a limited stepped-up basis rule for the calculation of estates' capital gains realizations would actually yield a small net gain in revenues through 2014.

Third, JCT and CBO scores ignore fact that existence of estate tax itself helps reduce income tax collections. For example, the estate tax encourages widespread tax avoidance, given its high top tax rate, which would return to 55 percent if we do not pass this bill. To avoid paying the estate tax, parents in high-income brackets often shift resources to their children in lower tax brackets, lowering income tax receipts. Similarly, income tax revenue is lost when transfers are made to tax-exempt groups, such as charities and family trusts.

Existence of estate tax also reduces income tax collections by reducing the amount of capital in the economy. Joint Economic Committee estimates that the estate tax has resulted in $847 billion less in savings and capital investment in the United States over the long run—in other words, investment in such assets as office buildings, retirement accounts, houses, factory equipment and so forth. Similarly, recent studies have shown that the estate tax encourages consumption rather than savings and wealth accumulation, shrinking the size of taxable estates.

In addition, according to Heritage Foundation economists, the estate tax costs our economy between 170,000 and 250,000 productive jobs each year. These jobs are never created because the investments that would have financed them are not made, as these resources are diverted to pay the death tax itself or pay for complex trusts and insurance policies to avoid the tax. If these jobs were created, each of these 170,000 to 250,000 individuals would be paying income tax, lessening revenue loss from estate tax repeal.

The estate tax also imposes an excessive compliance cost on taxpayers, again lowering income tax collections. Estate planning can be very complex, requiring the average family which engages in it to spend anywhere from $30,000 to $150,000 according to one study. It should be noted that twice the number of estates were required in 2004 to file all the death tax paperwork than actually paid the tax. Many of these filings require hiring lawyers and accountants at a significant cost to these estates. In fact, Alicia Munnell, a professor of finance at Boston College and a former member of President Clinton's Council of Economic Advisers, has estimated that the costs of complying with estate tax laws are roughly the same as the revenue raised. In particular, she has written that ''in the United States, resources spent on avoiding wealth transfer taxes are of the same general magnitude as the yield.'' Similarly, she wrote in another article, ''the compliance, or, more appropriately, the avoidance costs of the transfer tax system may well approach the revenue yields.'' Put another way, for every dollar of tax revenue raised by the estate tax, Munnell estimates that another dollar is wasted simply to comply with or avoid the tax.

Fourth, another reason it is safe to believe that the estimates we are discussing today are inaccurate is that, according to an analysis by the American Family Business Institute, the CBO underestimates economic growth in its analysis and thus tax revenues. Specifically, in scoring revenue loss with repeal, CBO assumes that over the next 10 years that real GDP growth will average 2.95 percent per year. This forecast is an underestimation of historical averages. Over the past 40 years, average growth in GDP is 3.20 percent; the 30-year average is 3.23 percent; the 20-year average is 3.11 percent; and the past 10-year average is 3.34 percent. If we assume a 0.1 percent per year increase in GDP growth above CBO baseline, which would keep GDP below any of the averages I just mentioned, the result is a revenue loss from repeal of only $87 billion over the next 10 years. In other words, revenue loss is more than 300 percent lower if we assume only a slightly higher growth in GDP, which is still lower than other recent 10-year GDP averages.

Finally, past estimates by JCT and CBO have been wildly off base. JCT forecast that the capital gains tax reduction enacted in 2003 would ''cost'' $3 billion from fiscal years 2003 to 2005.

What happened? The cut in capital gains tax rate raised revenue. In fact, tax receipts from capital gains tax are now expected to be $87 billion more than CBO originally predicted for years 2003 to 2006. Similarly, JCT estimated total revenue loss for the first year of the 2004 American JOBS Creation Act—a bill that provided several corporate tax cuts would be $4.5 billion. In reality, enactment of this law actually resulted in a revenue gain of $16 billion.

Finally, Congress reduced the capital gains rate from 28 to 20 percent in 1997. JCT estimated at that time that such a reduction would result in a revenue loss of $21.2 billion over 10 years. However, over the first 4 years following this rate reduction alone, revenues from capital gains tax were $47.8 billion more than JCT estimates.

Given all these problems with the JCT and CBO estimates, what are we to believe about the cost of repealing the death tax? Personally, I believe that even though the Federal Government may lose some revenue from eliminating the estate tax, that amount will be negligible, if the Government loses any money at all. Thus, the argument that we cannot afford to eliminate the death tax is a hollow one. Two-thirds of the American people support repeal of the death tax according to a recent survey.

It is time to follow their wishes.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, we are being subjected, once again, to the tired old Democratic song that Republicans are trying to help their rich friends, even though the other side has said only 2 or 3 out of every 1,000 Americans pay this tax. They think we are doing this to get votes. Even though they say only a small number of Americans pay this tax, the majority of Americans believe it is wrong because they know what Senator SESSIONS was just saying about a family-owned hotel chain, that it is not just those who own it who will suffer if it is broken up and sold, that it is all the people who work for it.

So the question today is really when someone dies in America, should their property and possessions go to the Government, or should it stay working in a family business or farm in producing jobs in this country?

One point I would like to make in this short period of time is, this estate tax does not benefit the average American. It does not help poor Americans. In fact, it takes their job.

Just to deal with the death tax—and we have heard these figures before—lawyer and accountant fees are from $30,000 to $150,000, life insurance policies, which Senator SESSIONS just mentioned, appraisal costs, tax preparation—the cost of dealing with this is actually much more than the revenue.

This chart reminds us that the revenue in the death tax is less than $25 billion a year, but the economic cost to our country is estimated at $847 billion in lost capital investment because of the death tax, a loss of over 100,000 jobs per year, and over $10 billion in lost income.

The American people are not stupid. They know that while this tax may hit

the wealthiest of Americans, that most of us as Americans work for those family businesses or farms. It makes no sense to break up these businesses and send the money to the Government where it will not be nearly as effective in producing economic prosperity.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, how much time is remaining?

The PRESIDING OFFICER. There is 2 minutes remaining.

Mrs. HUTCHISON. Madam President, we passed a bill in 2001 that actually started lowering the death tax for a 10-year period, and then it will come back in full force. When it comes back in full force, we are going to have up to a 55-percent tax on estates that are over $1 million.

What does this mean? It means that if someone owns a farm where the property has appreciated but they cannot possibly produce enough on that farm to pay one lump sum on its value—55 percent of it—we would be breaking up family farms and ranches all over this country. That is what the death tax has been doing for years.

In fact, America has the highest death tax in the world. We say we are a country of small businesses, of family-owned businesses, entrepreneurs who have started with nothing and built something, and yet we do the very thing that hurts those small businesses. In fact, they cannot pass to the next generation. Thirty percent of family businesses today pass to the second generation; 13 percent make it to the third generation. That is because the property owned in a business is worth much more in value than it produces.

The death tax walks away from the American dream. The American dream is if you come to this country, if you work hard, you can give your children a better chance than you had. The American dream is that you can start with nothing and you can build something if you work hard and you have a good idea. But the death tax walks away from that because it breaks up that family business, it breaks up the ability to accumulate wealth, it interferes with freedom and the free enterprise in this country today.

I hope we will not throw people out of jobs, as Senator DEMINT just mentioned; that we will not prevent people from giving their kids a better chance than they had. Please vote for cloture today so that we can do the right thing for our country and promote small farms, family-owned businesses, and entrepreneurship once again.

The PRESIDING OFFICER. Time has expired.

Mr. REID. Madam President, it is my understanding that I will speak, then Senator FRIST will speak, and then we will have a vote; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Madam President, first, I understand the people downtown and on 5th Avenue have come up with this death tax name, but this is an estate tax. If my wife or I die, there would be no tax. I would acquire the property she had and vice versa. At such time as she and I pass away, and if there is a tax—of course, we have paid no tax on any of this—when we pass away, there would be a tax perhaps. But if there was a tax, one would have 14 years to pay it.

I want all within the sound of my voice to understand that 46 million people have no health insurance, and there is not a word of debate in the Senate. Gas prices are over $3 a gallon in Nevada. Minimum wage has not been raised in years, and we are not doing anything on that in the Senate.

The Republican-dominated Congress just eliminated the tuition tax credit, a credit for which one could get a tax benefit for sending their kids to college. We are not working on that issue.

We have a deficit approaching $9 trillion, and we are doing nothing about that.

Stem cell research, to give hope to hundreds of thousands, if not millions, of Americans with diseases such as Parkinson's, Alzheimer's, diabetes, Lou Gehrig disease—we are not doing anything about that.

Prescription drugs for everyday Americans and for seniors—nothing.

Not one of these issues is before the Senate, but we are going to talk about something today that affects two-tenths of 1 percent of the people in America—two-tenths of 1 percent.

The estate tax is not high on the agenda of people in Nevada. I think we are wasting precious days on divisive issues when there are so many other matters that deserve and demand our attention. Why aren't we doing something in the Senate to address issues that affect 99.8 percent of the American people?

I haven't talked about the intractable war in Iraq. It rages on. Our soldiers continue to fight valiantly, and heroic performance and sacrifice has not been matched, I don't believe, by the fact that we have $50 million we need to spend to get the military up to the position it was in when the war started. There has been deterioration of our equipment.

With respect to health care, there are 46 million Americans who have no health insurance. I think it is a national crisis.

The national debt—I mentioned that briefly—stands at $8.4 trillion right now and is scheduled to grow to $12 trillion by 2011, double what stood when President Bush took office. The national debt represents a birth tax for our children, our children's children, and their children. The Senate is doing nothing to relieve the burden of the birth tax. Why?

Well, we know the answer. The majority, the Senate Republicans, don't intend to fix these problems because so many of them are problems they created, and they don't want to call attention to them. That is why we don't have legislation on which we can offer amendments.

So, instead, we have the estate tax on the Senate floor, the latest effort to distort, distract, and confuse Americans.

The estate tax is an extremely costly tax for a wealthy few that comes at the expense of every American born and yet to be born for decades to come. How costly? Roughly $1 trillion. And how few? Twelve thousand estates in America. We are a country of 280 million people. We are legislating here today for 12,000 people who are rich.

I think it is fair to say that Warren Buffett, George Soros, the Gateses—billionaires—they have said very clearly that this tax should remain, that it is their obligation as rich people in America who have achieved the American dream to pay these taxes. But there are a few who don't feel that way. As Senator DURBIN indicated, $800-some-odd billion by people who are pushing this legislation by running full-page ads in newspapers around the country.

Let me talk about some myths concerning the estate tax. First, some proponents of the estate tax repeal sponsored by about 18 families would have us believe that it is a fiscal-free lunch. One group, the American Family Business Institute, even claims that repealing the estate tax would increase the coffers of this country. Oh, that is so wrong.

The Joint Committee on Taxation has estimated revenue loss over the next 10 years to be about $400 billion. Even President Bush's own Treasury Department says that repealing the estate tax will reduce Federal revenues. The Treasury Department puts the loss at about $340 billion. That is only half the story.

According to the Tax Policy Center, a joint project of the Brookings Institute and the Urban Institute—these are nonpartisan organizations—the revenue loss associated with repealing the estate tax over the first full 10 years it is in effect would be $750 billion. But we have to borrow that money. So that would mean that this would be financed by China, Japan, Saudi Arabia, Great Britain, and other countries. Over half the money now that we have borrowed doesn't come from Americans; it comes from foreign countries. So that is about $1 trillion. Over 10 years, we can expect the national debt to increase by $1 trillion for 12,000 estates, two-tenths of 1 percent at the most.

The second myth is that we need to repeal the estate tax to protect and preserve small businesses and family farms. That is a myth. Very few small businesses and family farms pay any estate tax, and an even smaller fraction suffers any liquidity problems as a result of the tax. In fact, the American Farm Bureau in California, the largest farm producer in America—they grow the most, by far, of any State in the

Union—the Farm Bureau was asked, Show us a single farm in California that was forced to sell as a result of the tax. They could produce not a single farm, not one.

It is a similar situation with small business. In fact, the Small Business Council of America has said that the repeal of the estate tax will actually harm most small business owners because of how it would change the tax benefits they currently receive.

A third myth. We have a compromise. If there were ever a myth about a compromise, listen to this beauty. For the first, I think it is $5 million or $10 million I read in the paper, no tax. None. Then, after you have over $5 million or $10 million, or whatever the bottom figure is, then the tax goes up to the outrageous sum of 15 percent. Over $30 million, then it goes up to 30 percent. Someone who is worth $30 million net—that is a lot of money—and it would even be more than that because you would subtract stuff to get to the net estate—they would be paying less taxes than somebody who works in Henderson, NV at one of the industrial plants. They pay more taxes, somebody working for wages, than somebody with that kind of money.

So the third myth perpetuated here by the majority is that the only way to reach a deal on the estate tax is by voting on a motion to proceed and foregoing your right to vote on all amendments, save one, drafted by supporters of full repeal, and it is a full repeal anyway. It amounts to about 85 or 90 percent of the lost revenue.

This country is bleeding in red ink. I support fiscally responsible reform of the estate tax, but anyone who knows the Senate and knows the compromise proposal will quickly see that the majority's proposal doesn't even pass the laugh test. The best way to bring Members together on a difficult issue is to let the Senate work its will. That is what is supposed to be done, with Members of both parties able to offer any amendment they choose and get a vote. Yet under the majority's offer, only the most ardent supporter of repeal of the estate tax will be permitted to draft and offer an amendment. All other Members would be denied that opportunity. That fact alone should tell people our majority friends are not serious about letting the Senate work its will to develop a true bipartisan compromise.

But it is even worse than that. No one I know has seen the actual language of the so-called compromise—only what was in the newspapers—and there certainly has not been any actual score of how much it would cost. But on descriptions of the amendment we have seen in the press, credible outside analysts have indicated this new proposal would cost about $825 billion or $850 billion. As I have said, it is 85 or 90 percent of the cost of full repeal. Only those trying to sell the people a bill of goods could possibly call something a compromise that is not a compromise when the costs are this large, are this close to full repeal.

I don't know where the term ''a pig in a poke'' came from, but if there were ever a description of what I think it means, that is, you have a container and you put something in it and you wind up with nothing, this is it. This is an absolute farce.

I hope this Senate will not focus its attention on two-tenths of 1 percent of the American people and leave 285 million people still wondering when are we going to get some health insurance reform, when are we going to do something for health care, stem cell research, when are we going to do something about education costs. I can't imagine that our Senate would do this with the red ink as far as you can see, and we are going to focus on two-tenths of 1 percent and leave everyone, including the folks wanting a minimum wage increase, out in the cold as they have been for years. This is unfair. I would hope that we would not vote for cloture on the motion to proceed. This is wrong.

Madam President, the majority leader is on his way. 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, Michael Caudle's father founded the Greenfield Lumber Company in Greenfield, TN in 1955. Michael's dad and his granddad spent years building that business into the trusted, reliable family business that exists today. But when Michael's dad passed away 6 years ago in 2000, the business was put on the brink. The family at that time, all of a sudden, was forced to pay nearly $400,000 in death taxes and almost had to sell the business they had worked so hard to put together to pay the tax.

Michael says he hopes to pass that lumber company on to his children and his grandchildren. It is his life. It is what he has worked for: to give them that sense of family pride and community, that pride and community that his dad had passed on to him.

But like so many American families, his dream is threatened by what has come to be known in my State as the ''buzzard tax,'' and by people who don't see the value in preserving a hard-won family tradition, that name is appropriate.

One Tennessee couple told my office they decided not to trust their fate to the tax man. They sold their east Tennessee car dealership so that if one of them were to die suddenly, the other one simply wouldn't have to pay those exorbitant taxes; that burden wouldn't fall on their shoulders. They didn't want that buzzard picking apart that dream that they had built together.

Fred Heinecke's parents, unfortunately, didn't know about that kind of tax planning. As Mr. Heinecke of Vanore, TN wrote to the Knoxville News just this Saturday:

> Current law allows a $4 million deduction for a couple. That may be true if they die at the same time, such as in a plane crash, but not if they die separately as most couples do. I learned the hard way because my parents died a couple years apart without a trust. When my mom died in 2003, I wrote a painful check for over $300,000 to the Federal government. This required the sale of property that had been in the family for over 50 years.

Fred, like so many people, not only had to write that unexpected and huge check to the Federal Government in order to pay, he had to negotiate the sale of his parents' property at one of the worst moments in anybody's life, and that is the time of their death, the passing of his mom. As Fred's story, which is so typical and like so many other stories, illustrates, this death tax is unfair. I think that is the strongest argument of why we bring the repeal of the death tax back to the floor today. It is time to bury it. It is time for it to go.

In a few moments we will have a vote on cloture on the motion to proceed to H.R. 8, and we need to be very clear about what this vote means. A vote in favor is a vote to move forward with this important debate. A vote against is a vote to kill any chance of repealing or even reforming this onerous tax and is a vote in favor of returning the death tax to the pre-2001 confiscatory rate of 55 percent, an exemption of only $1 million per person.

Back in 2001, we passed a gradual phaseout of the death tax—real progress. Under that 2001 Economic Growth Tax Relief and Reconciliation Act, the death tax is scheduled to disappear in 2010.

But under the terms of this compromise legislation, after 2010 it comes roaring back with that tax level of 55 percent in 2011. That is why we need to act. We need a permanent fix, and that is what this vote is all about.

Last spring, the House passed a bill to make full repeal of the death tax permanent. They did so with strong bipartisan support. Over a year has passed and thus now it is time for us to act.

Americans have broadly said they support repealing the death tax. In a recent poll commissioned by the Tax Foundation, nearly 70 percent polled in favor of repeal.

With stories like Mr. Henicke's, it is not hard to understand why. We already pay enough taxes over our lifetimes, whether it is a water tax, a gas tax, a payroll tax, a utility tax, a cable tax, a property tax, a sales tax, an income tax—we are taxed every minute of our lives. We are taxed from that first cup of coffee in the morning to the time we flip off the lights at bedtime. In fact, we are taxed so much that one nonpartisan organization calculates

that the first 5 months of the average American's salary is confiscated by the Government.

If you are an enterprising entrepreneur who has worked hard to grow a family business or to keep and maintain that family farm, your spouse and children can expect to hear the knock of the tax man right after the Grim Reaper.

Some on the other side of the aisle argue that the death tax is a critical stream of Federal revenue and that in any event it only hits the superrich. Neither is true. Mounting evidence shows that once widespread estate tax avoidance is accounted for, the death tax nets zero to negative tax revenue. Worse yet, the death tax may be responsible for the loss of from as many as 170,000 to 250,000 potential jobs each year.

Meanwhile, it is not the superrich who are hardest hit by the death tax; family businesses bear the brunt. The Seattle Times Company reports that 89 percent of all taxable estates filed in 1995, before the 2001 reform, were $2.5 million or less in size. What does this mean?

> A family-owned business stands to lose nearly half of all its assets when it passes from one generation to the next. That is over half of everything, including land, buildings, equipment, money and more—all because of the current estate tax law which is really a tax on death. They sell out, letting long-term employees go. Not because they want to. But because they have to. And the echo reverberates through an entire community.

Just yesterday I heard from farmers and western landowners and listened to the damage, the harm they suffered as a result of this death tax. Some of my colleagues have said that the death tax doesn't hurt farmers, but the farmers simply take a different view. Many of them are cash poor. They own land handed down from their parents. They know there is no easy way their children can continue to work the land if they are subjected to this death tax, so rather than wait for the death tax to pick apart their family farm, they make plans to sell the land in advance. That is the part of the story that never gets told. The death tax not only confiscates the honest earnings of the recently deceased, it often forces families to divest themselves of that family enterprise.

In the past, when Congress enacted a death tax, it was at an extraordinary time of war, and the purpose was to raise temporary funds. But after the war was over the death tax would go away, it was repealed. But that changed in the last century. The death tax was imposed and has never been lifted. Instead, it became entrenched and it took 90 years to roll back.

It is time to stop punishing America's entrepreneurs and job creators for saving, for investing, and succeeding. The death tax tells people it is better to consume today than to invest for the future; to consume today rather than save for the future; to spend now and leave nothing for later. That doesn't make sense. It is unfair.

On February 10 of this year I said the Senate would debate and decide the fate of the death tax. That time is upon us. I urge my colleagues to cast their vote in favor of cloture, of proceeding to allow debate on elimination of the death tax. If we do not, the death tax prevails. America's family businesses lose and so do the workers they hire and the communities they support. A vote for cloture is a vote to protect these family traditions. It is a vote for what is right, for simple fairness.

We will turn to the vote in just a few moments. Again, this is a vote on the motion to proceed to allow debate. It will require 60 votes on this very important issue. If we get 60 votes—and I hope we do get those 60 votes—I expect we will see a cloture motion on the underlying bill. If that underlying bill is not successful, I would think that we would need to gather together to have compromise legislation, and I would expect a vote on that as well.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 84, H.R. 8: to make the repeal of the estate tax permanent.

Bill Frist, Jon Kyl, Jim Bunning, Conrad Burns, Richard Burr, Tom Coburn, Wayne Allard, Craig Thomas, George Allen, Judd Gregg, Johnny Isakson, David Vitter, John Thune, Mike Crapo, Jeff Sessions, John Ensign, Rick Santorum.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 8, an act to make repeal of the estate tax permanent, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—57

Alexander	Burns	Craig
Allard	Burr	Crapo
Allen	Chambliss	DeMint
Baucus	Coburn	DeWine
Bennett	Cochran	Dole
Bond	Coleman	Domenici
Brownback	Collins	Ensign
Bunning	Cornyn	Enzi
Frist	Lott	Shelby
Graham	Lugar	Smith
Grassley	Martinez	Snowe
Gregg	McCain	Specter
Hagel	McConnell	Stevens
Hatch	Murkowski	Sununu
Hutchison	Nelson (FL)	Talent
Inhofe	Nelson (NE)	Thomas
Isakson	Roberts	Thune
Kyl	Santorum	Vitter
Lincoln	Sessions	Warner

NAYS—41

Akaka	Durbin	Lieberman
Bayh	Feingold	Menendez
Biden	Feinstein	Mikulski
Bingaman	Harkin	Murray
Boxer	Inouye	Obama
Byrd	Jeffords	Pryor
Cantwell	Johnson	Reed
Carper	Kennedy	Reid
Chafee	Kerry	Salazar
Clinton	Kohl	Sarbanes
Conrad	Landrieu	Stabenow
Dayton	Lautenberg	Voinovich
Dodd	Leahy	Wyden
Dorgan	Levin	

NOT VOTING—2

Rockefeller	Schumer

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DORGAN. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I rise to explain to the people of Wisconsin my vote this morning on the estate tax.

The arguments surrounding estate tax repeal are muddled, and I believe there are important clarifications to make. First, small businesses and farms rarely—if ever—are forced to sell off assets or close up shop to pay the tax. Under the current exemption, roughly 99 percent of estates owe nothing in estate taxes. When the exemption expands to $2.5 million, 99.9 percent of all estates won't owe a dime. According to a report by the Tax Policy Center, in 2011, with a $3.5 million exemption, only two of every 100,000 people who die that year would be subject to the estate tax.

The second explanation is of what the Senate voted on today. Today's vote was on a motion to proceed to a bill to repeal the estate tax. Not to proceed to a compromise or any other deal—but to full repeal.

I oppose full repeal of the estate tax. Our Nation can no longer afford this tax break for the very well off. I supported the 2001 tax bill because we were in a time of surplus. That is not the case today. Now we face huge deficits, deficits amplified by the war on terror and reconstructing the gulf coast. According to the non-partisan Center on Budget and Policy Priorities, permanently repealing the estate tax would add about $1 trillion to our national debt from 2011 to 2021. We cannot afford, at this time, these kinds of costs.

Nevertheless, I do support estate tax reform, and I will work with my colleagues towards that end. Responsible

estate tax reform is possible and necessary. We must work to find an exemption level coupled with a tax rate that will provide significant relief, while not adding nearly a trillion dollars to the next generation's tab.

PANDEMIC FLU

The PRESIDING OFFICER. Under the previous order, there will be 25 minutes for debate, equally divided between the Senator from Kansas, Mr. ROBERTS, and the Senator from New York, Mrs. CLINTON.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today with my colleague, Senator CLINTON, to talk about an issue that demands our attention and action: the potential for a pandemic flu outbreak and, more importantly, what we can do about it.

Behind me I have a picture of a crowded emergency hospital at Fort Riley, KS, during the 1918 Spanish flu pandemic. That flu eventually took the lives of more than 600,000 Americans and 50 million people worldwide. However, my colleagues may not be aware that the first human cases of the Spanish flu in the United States were discovered in my home State of Kansas at Camp Funston in Fort Riley, KS.

On the morning of March 11th, 1918, a company cook reported to the camp infirmary complaining about a bad cold. By noon, over 100 sick soldiers suffering the same bad cold also reported to the infirmary. These complaints of bad colds turned out to be the first cases of Spanish flu in America.

Within weeks, that influenza had spread to places as far away as Camps Hancock, Lewis, Sherman, and even to several hundred prisoners at San Quentin. By the summer, the flu reached around the globe, killing tens of thousands of people.

This flu was so severe and damaging that attack plans during World War I had to be altered or postponed because there were shortages of healthy men to battle. The Spanish flu continued to spread all throughout 1919. It reached its death toll of nearly 50 million people worldwide.

I yield to my distinguished colleague.

Mrs. CLINTON. Mr. President, I thank my colleague. Senator ROBERTS has outlined the impact the 1918 flu outbreak had on Kansas, our Nation, and the world. It is almost unimaginable that starting with that one company cook, 50 million people worldwide died.

I will tell a different story about a public health success. In March of 1947, the City of New York faced an outbreak of smallpox when three cases appeared at a local hospital. On April 4, New York City began a mass vaccination campaign to prevent further cases from occurring.

Behind me is a photograph of Red Cross volunteers waiting to receive a vaccination against this deadly disease. Over the next month, more than 6 million people were inoculated against smallpox, the largest mass vaccination in United States history. Even President Truman, who was scheduled to visit New York during this time, received a vaccination.

Through the cooperative efforts of local government employees, public health workers and an army of volunteers, an outbreak was averted. Vaccinations took place at hospitals, schools, and police stations. Frequent press bulletins helped to ensure that people knew what was happening and where they could go to have themselves and their families vaccinated. Our national public health system was able to respond both quickly and efficiently to contain this disease.

As the New York City Health Commissioner reported in the American Journal of Public Health later that year, never before had so many people in one city been vaccinated in such a short time and on such short notice. Thanks are due to the press and radio for giving so generously of their space and time to bring necessary information to the public. Had it not been for them and the intelligent cooperation of the public, the generosity of private physicians and volunteer workers, notably from the American Red Cross, the American Women's Voluntary Services and former Air Raid Warden groups from World War II, it would have been impossible to have achieved this remarkable record.

Senator ROBERTS and I are here today because we believe, half a century later, we face a similar public health issue. The looming threat of pandemic influenza has caused our Federal Government to begin mobilizing for when—not if—avian flu hits our shores. We are investing in research for a vaccine, stockpiling medications, and trying to develop plans for mass vaccinations.

If recent history is any indication, we may not be able to muster the same response as we did in 1947 when Americans were still on a war footing or had a mentality of working together. What is worrisome to me when I think about our country's preparedness is the fact we are not even prepared to deal with the seasonal influenza we face every single year.

Since 2000, we have had four shortages of seasonal influenza vaccine. We have seen senior citizens line up for hours to get flu shots. Unfortunately, we have seen some unscrupulous distributors trying to sell the flu vaccine to the highest bidder. Millions of Americans have chosen not to get vaccinated, despite the clear preventive effects of the vaccine.

This is something we want to stress and that Senator ROBERTS and I have been working on together to try to come up with some practical solutions. This is a matter of preparedness, not a partisan issue. This is a matter of planning. It is a matter of ensuring that our health care system can respond both to the annual flu outbreak and to the threat of a pandemic flu. We believe we have a lot of work to do.

Mr. ROBERTS. As Senator CLINTON has highlighted, the need to be prepared for both seasonal flu and a potential avian flu pandemic is absolutely critical. Some believe the potential avian flu outbreak could be as lethal as the 1918 Spanish flu. One cannot watch or read the news without a report on the concern of flu reaching our shores.

In reality, human cases of avian flu have been discovered in 10 countries. Three years ago there were only three confirmed cases of avian flu in humans. Today these numbers have grown to over 224 human cases, 127 deaths.

In February, I took part in an avian flu exercise at the National Defense University. That exercise was called Global Tempest—aptly named. The exercise simulated a worst-case scenario flu pandemic, and participants from several Federal agencies, and Members of Congress, took part in the event. We all served as advisers to the President.

The exercise showed firsthand how quickly our public health system and real critical infrastructure services can be simply overwhelmed, how communication can easily break down and how panic can take hold amongst the public. We were forced with the difficult decision of having to determine where limited medical supplies and personnel should be targeted, how the Federal Government can sustain the private sector and try to mitigate the real economic effects of the pandemic, and if and when the Department of Defense should be called in to assist with the civilian efforts.

This Global Tempest exercise and experience, along with understanding the strength and the force of the Spanish flu in recent natural disasters such as Hurricane Katrina, have taught us a valuable lesson. We must be prepared at all levels to deal with the large-scale public health emergency such as the pandemic flu. This system must be able to respond in any type of crisis. But, more importantly, this system must be ready to respond before the crisis begins.

As chairman of the Senate Committee on Intelligence and a member of the Senate Agriculture and Health, Education, Labor, and Pensions Committees, I take the threat of a flu pandemic seriously and view it not only as a public health concern but a concern in regard to our national security.

Senator CLINTON is a fellow member of the HELP Committee. She shares these concerns. However, we do not want to stand before our colleagues and our constituents, those watching today, and cause panic or alarm. There have been no cases of the avian flu virus in the United States, nor has there been a human transmission of the disease in a form that could fuel a pandemic. Instead, we stand together before all of our colleagues hoping to motivate them to take the necessary steps to make sure we are adequately prepared, should avian flu take hold in

the United States. We believe there are some weaknesses in our system that we must strengthen so we can respond to a crisis.

Last week, I hosted a pandemic flu planning conference in Kansas with Senator BROWNBACK and Governor Sebelius. The conference included other Federal, State, and local officials, the business community, university, health providers, hospitals, school administrators, many other stakeholders who came together to make sure that Kansas is prepared in the event of an influenza pandemic. We identified the steps that must be taken at the State and local level to plan for and respond to a flu pandemic.

At the Federal level, Senator CLINTON and I took the lead last October and introduced legislation to help strengthen our Nation's flu vaccine system. The Influenza Vaccine Security Act takes a comprehensive approach and includes several provisions to improve our vaccine market and delivery system for the seasonal flu. It also provides the framework that is absolutely critical during a pandemic flu.

Mrs. CLINTON. Senator ROBERTS is absolutely right. We believe it is critical to ensure that our basic seasonal flu vaccine production and distribution system is capable of delivering vaccines to all who need them, especially with the threat of an avian flu pandemic moving over us. Thousands of people die in our country every year from seasonal flu. It makes sense to us that we need to get that system absolutely as efficient as it needs to be so that then we could handle a rapid vaccine production, mobilization, and delivery challenge in the event of pandemic flu. Because we don't have a system through which to track vaccines, we cannot ensure that supplies reach the highest priority populations—including seniors and the chronically ill, those who should get vaccinated as early as possible in any given flu season. Many physicians and other providers have contacted us to express frustration at their continuing inability to accurately predict at which point they may be able to provide needed supplies of influenza vaccine to their patients. We do this in other parts of our economy. We routinely use tracking devices to trace deliveries of other goods in the private market. But yet we still cannot predict when a vaccine order placed in the summer might actually be provided to a doctor's office or a hospital or another place where the flu vaccine can be administered.

Our legislation, the Influenza Vaccine Security Act, would establish a tracking system through which we could better trace the distribution of vaccine from the factory to the provider, and we could identify counties with high numbers of priority populations. Then with that system in place, we could easily determine, in times of shortage, where the vaccine was most needed and facilitate distribution to those areas. All of this could take place in a matter of hours, rather than days or weeks, as it does now.

The tracking system in our legislation builds upon the current private system of distribution. It has received support from vaccine manufacturers and public health groups. Linking information through a national database can be done in a manner that does not jeopardize free-market competition but actually assists it.

It simply makes sense to establish a tracking system for vaccine distribution that can be used in both seasonal and pandemic events, to have that system already operational rather than to rely on untried mechanisms in emergency situations when we would already be facing all the multiple challenges of delivering health care.

We recognize that many entities in our States as well as around the country may not have the technology or infrastructure in place for a vaccine tracking system. That is why our bill also creates a demonstration program that authorizes the Centers for Disease Control, working together with State and local health departments, to provide demonstration grants to health care institutions to assist them in information technology upgrades to allow these institutions to improve their ability to report and track flu vaccine dissemination.

Mr. ROBERTS. Senator CLINTON and I also recognize the very critical need for domestic-based vaccine manufacturers and an increased production capacity in the event of a flu vaccine shortage or some kind of a public health emergency that would require a mass need for vaccines or any other countermeasure. That is why our bill improves the ability of the current manufacturers to remain in the U.S. market and encourages more companies to enter the market with domestic-based production facilities. We provide grants to manufacturers for technical assistance from the Food and Drug Administration and grants for capital improvements in technology or production capacity.

Our bill also addresses the need to quickly find the medical professionals in the event of an emergency. We require the Centers for Disease Control and Prevention to work with our State and local health departments to develop a registry, if you will, of medical personnel who can provide services during a public health emergency. Such a system was required under the Bioterrorism Act passed by Congress 4 years ago. But there is still no working system in place. This is unacceptable. We must have a system that can easily identify doctors and other health professionals who can assist during a public health emergency—that is common sense—especially during an emergency that affects many areas across State lines. This will allow our Federal, State, and local officials to move quickly and efficiently to provide Medicare to those in need.

During Hurricane Katrina and its aftermath, I heard from many doctors and other health professionals across Kansas—I am sure the Senator from New York did as well—who wanted to volunteer their time in the gulf coast area. However, their desire to help those in need was hampered by the inability of Government officials to easily identify a doctor who was credentialed or other health providers from other States who could provide care. This is why Senator CLINTON and I now stand before our colleagues to stress that we can no longer wait for the development of such a registry of medical personnel. We are working and will continue to work with the HELP Committee to make sure this is a priority in the bioterrorism reauthorization.

Mrs. CLINTON. Senator ROBERTS and I also believe that reforming the flu vaccine system requires increasing demand for vaccinations. This bill increases the funding for CDC's educational initiatives and sets up grants through State and local health departments, in collaboration with health care institutions, insurance companies, and patient groups, to increase vaccination rates among Americans but particularly among priority populations—the elderly, the chronically ill, and those for whom the seasonal flu is a particular risk. We have made progress. Between 1989 and 1990, flu vaccination rates among senior citizens doubled from 33 percent to 66 percent of the population. But we need to get those numbers up even higher to try to meet the Healthy People 2010 goal of having 90 percent of our seniors receive an annual flu vaccine. We have to get more information out to people about why this is important.

This is especially critical if we are confronted with pandemic flu. Many people last year wanted to get a seasonal flu vaccine, because they thought it would protect them against pandemic flu. The information was not clear. It wasn't getting out in the right ways. We need to do more to help find reliable sources of information in communities.

I want to add another point about the funding for research that we are advocating. We think we should have new vaccine-based technologies, such as cell-based technology. We rely on production methods that haven't kept pace with the advances in medical science. In order to make a vaccine today, strains of influenza virus are cultivated in chicken eggs. That is a nonsterile environment. Many of the contamination problems we have seen over the last several years have resulted because of this cultivation process. Although we still have to rely on this technology, Senator ROBERTS and I would like to expedite the efforts to increase research into safer, faster, more reliable methods of vaccine production.

I have to emphasize again, however, it is not research alone that will help

us. We can't do great research in the laboratory but then not know where the vaccine is, how to track it and to get it where it needs to be, how to have good information sources. Senator ROBERTS discussed the war game he participated in. There was a lot of confusion. We are trying to cut through that to couple research efforts with the development of a system to track and distribute both seasonal and pandemic influenza vaccine.

Mr. ROBERTS. Over the last several months, the distinguished Senator from New York and myself have worked with our colleagues in the HELP Committee to include the provisions of the bill we discuss today in the Public Health Security and Bioterrorism Preparedness and Response Act—the reauthorization of that bill—or the BioShield II bill to be considered by the committee and the full Senate.

I thank especially Senators BURR, ENZI, and KENNEDY, and their staffs for their willingness to work with us. Senator CLINTON and I strongly believe that the provisions of the bill we discuss today are absolutely relevant and critical to these discussions.

We hope—it is not hope; we are going to insist—that these provisions will be included in any legislation approved by the committee and Senate. As a matter of fact, were it parliamentarily correct, I would ask unanimous consent that the bill be read three times and passed now. We are thankful for all the attention and focus on planning for a pandemic flu, but we also believe a few more steps need to be taken to make sure we are ready. This is why we are urging our colleagues to consider our legislation, the Influenza Vaccine Security Act, and support our efforts on the bioterrorism and BioShield II bills.

I thank Senator CLINTON for her hard work, dedication, and leadership on this issue. I urge my colleagues to think about this and to support this legislation.

I yield the floor.

Mrs. CLINTON. Mr. President, I thank Senator ROBERTS. He brings to this issue the concern that he faces every day on the Intelligence Committee. I agree with him absolutely. This is a national and homeland security issue, as well as a health and economic one. I hope, working with our colleagues on both sides of the aisle in the HELP Committee, we can ensure that the provisions from our legislation will be included within the reauthorization of the bioterrorism and public health emergency legislation. We believe an ounce of prevention is truly worth a pound of cure. We stand ready to work to move this as quickly as possible so we can get a system in place that we can then work on during seasonal influenza time and be prepared for a pandemic flu.

I thank Senator ROBERTS and yield the floor.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. ALEXANDER). Under the previous order, the Senate will resume consideration of the motion to proceed to S. 147, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

The PRESIDING OFFICER. Under the previous order, the time until 12:45 p.m. will be equally divided between the two leaders or their designees.

The Republican whip.

Mr. MCCONNELL. Mr. President, the history of America has been one of racial inequity, followed by a long but sure path to reconciliation. At the time of this country's founding, a person's race could determine whether he lived in freedom or in slavery.

Fifty years ago, race could still determine where a person could live, what water fountain he could drink from, or what kind of life he could lead.

Today, thankfully, that is no longer true. We have recognized that nearly every time our Government has taken race into account when dealing with its citizens, the effects have been detrimental, if not devastating; and for that reason, as President Kennedy once said, ''Race has no place in American life or law.''

Unfortunately, today, the Senate is considering a bill that would wreck the progress we have made toward a colorblind society.

S. 147, the Native Hawaiian Government Reorganization Act, would not only direct the Government to establish a government based solely on race, it would also seek to confer preferences based on race. It violates the letter and the spirit of the U.S. Constitution, and it must be opposed.

When I say the bill violates the U.S. Constitution, I am referring specifically to the 14th amendment, which was ratified in 1868, after the Civil War, to address unequal treatment based on race.

The 14th amendment reads:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws.

The 14th amendment was quite clear. The way this bill tries to maneuver around its unconstitutionality is by classifying Native Hawaiians via the Federal Indian law system, and creating a new ''tribe'' of Native Hawaiians.

But this new ''tribe'' is a shell game. Native Hawaiians have never been viewed as an Indian tribe, including when Hawaiians overwhelmingly voted for statehood in 1959.

As recently as 1998, the State of Hawaii itself acknowledged that the tribal concept has no historical basis in Hawaii. Specifically, in Rice v. Cayetano, the State of Hawaii wrote the following in a brief to the U.S. Supreme Court. This is what the State of Hawaii had to say at that time:

For the Indians the formerly independent sovereign entity that governed them was the tribe, but for Native Hawaiians, their formerly independent sovereign nation was the kingdom of Hawaii, not any particular tribe or equivalent political entity. . . .The tribal concept simply has no place in the context of Hawaiian history.

That was in the brief of the State of Hawaii itself in a case in 1998.

Mr. President, the Senate should be an institution that brings America together. Let's not tear apart our common identity as Americans. We should not use this fiction of Indian tribe status for Native Hawaiians to divide our country.

By the way, have I mentioned that not even the people of Hawaii support this bill? According to a poll conducted by the Grassroot Institute of Hawaii, 67 percent of Hawaiians oppose it—two-thirds of the State. Hawaiians overwhelmingly oppose this bill, based upon those survey results.

The U.S. Commission on Civil Rights conducted public hearings on S. 147. They oppose it and recommend against its passage. They oppose it because they believe it is racially discriminatory and divisive. This is what the Commission on Civil Rights had to say about this measure:

The Commission recommends against the passage of the Native Hawaiians Government Reorganization Act . . . or any other legislation that would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege.

And it should be pointed out that it seems that private interests who commented on the bill opposed it, with only institutional interests submitting comments in support of the bill. Only institutional interests have advocated for it. But the people, it seems, do not want it.

That includes even some Native Hawaiians. One person who testified before the commission was a Hawaiian named Kaleihanamau Johnson. She told them:

I am of Hawaiian, Caucasian and Chinese descent . . . and do not support the Akaka bill.

Ms. Johnson went on to say that if this bill passes:

I will be forced to choose on which side of the fence to stand. I will choose the Anglo-American tradition of the right to life, liberty, property and the pursuit of happiness. This will prevent me from recognizing all that is Hawaiian in me. I consider the Akaka bill to be a proposal to violate my rights.

Let me share some of the testimony of advocates of Hawaiian statehood from half a century ago. These comments show that Hawaiians entered the

Union with the expectation of being equal to any other of our States. Overwhelmingly, Hawaiians were eager to be Americans. Senator Wallace Bennett of Utah, the father of our good friend, the current Senator from Utah, said in 1954:

> Hawaii is literally an American outpost in the Pacific, completely reflecting the American scene, with its religious variations, its cultural, business and agricultural customs, and its politics.

And former Interior Secretary Fred Seaton wrote to a Senate committee in 1959:

> Hawaii is truly American in every aspect of its life.

I sure hope that is true, in the sense that being American means we do not define and divide people by race, but we transcend that. Every American, regardless of race, has equal freedom to excel. That is why we attract people of all races, from all over the world, who leave behind what they have known and start new lives here.

Because we are a multiracial, multicultural society, and because of the misfortunes that have transpired when this country has looked at its citizens through the prism of race, we must not turn racial preferences into law, as this bill would have us do.

I believe the way forward for our country is for the Government to focus less and less on race, not more and more. To treat people differently based on race implies that, on some fundamental level, race defines who we are.

I believe history has shown that idea to be bankrupt. And I believe that America has led the way in proving it so.

Let's do our best to get this country to a point where race truly has no place, not when it comes to our Government, or to our promise of equal justice under the law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains on our side of the aisle?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. CORNYN. I ask unanimous consent that I be allotted 10 minutes out of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, yesterday, when I came to the floor and spoke on this legislation—the so-called Native Hawaiian legislation—I indicated that I had profound concerns about the constitutionality of the bill. I might add that it is not sufficient for Members of Congress to say that the courts will clean up the mess after we pass the bill. Indeed, it is our responsibility to uphold and defend the Constitution as Members of the Senate.

Yesterday, we heard a few hours of discussion from both those who support and those who oppose the bill. I have made no secret of my opposition. Simply put, I cannot and I will not support a bill the purpose of which is to divide America and is based upon race, and which is clearly contrary to our fundamental American principle of equal justice under the law.

The bill would create a separate race-based government for Native Hawaiians to the exclusion of all other Americans. And because of its very focus on race, the legislation creates particularly troublesome constitutional problems. In fact, it appears to be designed to be an end-run around the U.S. Supreme Court decision in the year 2000, in Rice v. Cayetano, a Ninth Circuit Court of Appeals decision which has struck down the practice of segmenting Hawaiians based upon race. I mentioned the 2000 decision in Rice v. Cayetano. That was a 7-to-2 decision which struck down the ancestry requirements for voting for the Office of Native Hawaiian Affairs trustee elections. The Court found that because ancestry was a proxy for race and the election was an affair of the State, it was in violation of the Constitution, and particularly the 15th amendment to the Constitution.

Justice Kennedy, writing for the majority, makes clear why the very purpose of S. 147 creates broad constitutional concerns:

> One of the reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities. An inquiry into ancestral lines is not consistent with respect based on the unique personality each of us possesses, a respect the Constitution itself secures in its concern for persons and citizens.

Some say this bill simply equates Native Hawaiians to Indian tribes. But Congress cannot simply and arbitrarily create Indian tribes where they don't exist. The Constitution does not authorize Congress to make Indian tribes out of subsets of Americans who have no relationship whatsoever to an Indian tribe. The Supreme Court has been clear that Congress may not insulate a program from the Constitution's strict scrutiny for legal distinctions based upon race by ''bring[ing] a community or body of people within the range of this [congressional] power by arbitrarily calling them an Indian tribe.''

In addition, the 14th amendment precludes the use of race in making appointments—something clearly contemplated by this bill. This bill perhaps most clearly raises constitutional concerns in its direct contravention of the Supreme Court ruling in Rice. The legislation would require that the Department of the Interior manage a special election in which eligibility depends entirely on race. As I have pointed out before, the Court made clear that racial restrictions relating to Native Hawaiians is prohibited by the 15th amendment.

In summary, in its attempt to pigeonhole Native Hawaiians as equivalent to an Indian tribe and to create a governmental entity based entirely on race, S. 147 runs counter to the express letter and certainly the spirit of the Constitution.

Unfortunately, despite these clear constitutional problems, it seems that some in the Senate are content to acquiesce—to accept passing an unconstitutional bill, while passing the buck to the courts to bail us out. Yet just 2 days ago, my colleagues on the other side of the aisle were talking about what they thought was ''wasting time'' on defending marriage, a basic institution—perhaps the most basic institution—in our society.

And yet they are willing to spend a week debating a measure that has little chance of passing and that flies squarely in the face of the Constitution. I find these inconsistencies difficult to reconcile.

The sponsors of this legislation last year wrote a Dear Colleague letter that suggests that any constitutional inquiries should be left to the courts, the implication of which is Congress should not concern itself with the bill's constitutionality. I could not disagree more.

When I came to Washington, I, like the rest of my colleagues, swore an oath to defend and uphold the Constitution of the United States. That pledge is non-negotiable and does not allow, much less require, me or any Member of the Senate to defer our obligations to pass legislation that reasonably appears to be within the four corners of the United States Constitution.

Congress is required to uphold the Constitution, as are judges. More importantly, it is imperative that we pass legislation that furthers the principles of the Constitution rather than dissolve them. A constitutional commitment to equal justice for all would be undermined should we choose today to endorse the creation of a race-based government. This is not a question that should be passed off to the courts. We should decide right here and right now.

I urge my colleagues to vote against cloture on the motion to proceed. If they are serious about working on issues that really matter, I urge them to allow the Senate to move on to consider other pressing business.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I encourage my colleagues to vote with me to invoke cloture on the motion to proceed to S. 147, the Native Hawaiian Government Reorganization Act of 2005.

I begin by expressing my deep appreciation to the cosponsors of this legislation and to the Senators who spoke in support of bringing this bill forward for debate. I especially thank the Senator from Illinois, Mr. OBAMA, and the ranking member of the Indian Affairs Committee, Senator DORGAN, for their support.

I also thank the Senators from Alaska who shared their experiences encountered 35 years ago when Alaska

Natives sought to address similar issues when Congress enacted the Alaska Natives Claims Settlement Act.

It is ironic that the same arguments used against that bill, which has been incredibly successful and has served to unite rather than divide the people of Alaska, are being used against our efforts today to bring parity in Federal policies to Hawaii's indigenous peoples.

Beginning with the debates of the Continental Congress and continuing in the records of discussion and correspondence amongst the Framers of the Constitution, it was recognized that the aboriginal indigenous people who occupied the lands now comprising the United States had a status as sovereigns that existed prior to the formation of the United States.

Based upon the recognition of that preexisting sovereignty, the U.S. Constitution, article I, section 8, clause 3, vests the Congress with authority to regulate commerce just as with foreign nations in numerous rulings of the last 215 years. The U.S. Supreme Court has repeatedly held that legislation enacted to address the special concerns and conditions of the native people of the United States is constitutional and does not constitute discrimination on the basis of race or ethnicity because the sovereign status of the Indian tribes is a basis for the government-to-government relationship that tribes have with the United States.

The court has consistently drawn a distinction between legislation that addresses the conditions of native people of the United States and legislation that addresses conditions of specific groups whose members are defined only by reference to their race or ethnicity.

According to the court decisions, the United States has a political and legal relationship with Indian tribes that is not predicated on race or ethnicity but, rather, on sovereignty.

The status that the Constitution recognizes in Indian tribes was later extended to Alaska Natives in their capacity as aboriginal indigenous people of the United States, and it is on that same basis that the Congress has enacted legislation for aboriginal indigenous people of Hawaii.

I know the senior Senator from Hawaii, Mr. INOUYE, is going to address this more when he speaks, but I want to comment on a disturbing conclusion that was made by some of my colleagues yesterday.

Somehow efforts to recognize Native Hawaiians are perceived as un-American. Native Hawaiians are proud—proud—to be Americans. A number of Native Hawaiians in the Hawaiian National Guard returned from Operation Iraqi Freedom this spring, after having spent 18 months away from their families. Some of our most celebrated heroes who have died in the war have been Native Hawaiians. It is offensive to me as a veteran and as a Native Hawaiian that my efforts to ensure justice and parity for Hawaii's indigenous peoples are being characterized as un-American. I beg to differ.

A federally recognized native government does not cause an indigenous person to lose his or her status as an American citizen. The concepts are not mutually exclusive. I remind my colleagues of the 556 native governments that have federally recognized government-to-government relationships with the United States. I don't see anyone characterizing our Native American brethren as being un-American. To do so in this case is another injustice to indigenous peoples, not only from Hawaii but from our great Nation.

The Senator from Tennessee, a good friend whom I admire, argued yesterday that this bill is about sovereignty. I agree, it is about sovereignty within the bounds of existing Federal law. The political and legal relationships between Native Hawaiians and the United States already exist, as evidenced by the 160 Federal statutes that have been enacted to address conditions of Native Hawaiians.

The Federal policy of self-governance and self-determination allows for a government-to-government relationship between indigenous peoples. This is not new. It exists right now between the United States and 556 native governments. The continued representation of this bill as unprecedented new action is just plain wrong.

Native Hawaiians are the indigenous aboriginal people of the lands which now comprise the State of Hawaii. Prior to their overthrow, the native government, the Kingdom of Hawaii, was recognized by the United States. The fact that the kingdom included non-natives within its government does not make it a non-native government. It is clear that the Kingdom of Hawaii was a preexisting native Government.

Hawaii is the homeland for Native Hawaiians. That is what makes them different from other ethnic groups. That is what makes them like the 556 native governments that are federally recognized and engaged in a government-to-government relationship with the United States.

This bill embodies the goals of this Nation—fairness, justice, liberty for all. A federally recognized government-to-government relationship with the United States does not make Native Hawaiians un-American. Being Native Hawaiian and American are not mutually exclusive, no more than being an American Indian or Alaska Native and being American.

Mr. President, 556 native governments enjoy this relationship. The question is: Why not Native Hawaiians? The only argument I am hearing is that Native Hawaiians are not native enough, and I beg to differ. This is why the bill needs to be brought to the floor for debate. This is why my colleagues should vote to invoke cloture on the motion to proceed. At a minimum, it is what the people of Hawaii deserve.

My colleagues have said that Hawaii is a melting pot, perhaps the greatest melting pot in the United States, and I agree. However, I like to think of it not as a melting pot where everyone loses their individuality, but I would like to think of it as a rainbow. Each color of the rainbow represents a different culture. The more we are in touch with our culture and tradition, the brighter and more vivid is the color. Taken together, we combine to make something very beautiful.

My colleagues, however, would rather everyone be melded into one color, monotone. I believe we are intelligent, articulate beings who are able to celebrate our nationality in addition to preserving, understanding, and practicing our culture and traditions.

One of my colleagues referred to statehood and its supposed agreement that Native Hawaiians would not be treated any differently from any other citizens. Debate transcripts from the Constitutional Convention of 1950, which developed the Constitution that was used in 1959 when Hawaii became a State, clearly show an effort to protect Native Hawaiians and their culture. The 1950 Constitutional Convention adopted as a provision the Hawaiian Homes Commission Act of 1920, passed by the Congress in 1921, which established a homesteading program for Native Hawaiians in an attempt to offset the tremendous decline in their numbers and to ensure continuation of their culture. The Convention also adopted a provision accepting a compact with the Federal Government to continue the trust obligation associated with the Hawaiian Homes Commission Act and providing that congressional consent would be required for an amendment to decrease lessee benefits or alter lessee qualifications.

Inclusion in the Constitution as early as 1950 shows recognition of Native Hawaiians as Hawaii's indigenous peoples and reflects the widespread support for the preservation of Native Hawaiian culture, custom, and tradition. Unlike many of the other Western States' enabling laws, the Hawaii Admissions Act and the Alaska Statehood Act expressly recognized and preserved the rights of the indigenous native people in those two States. The Hawaii Admissions Act not only provides for the protection of land set aside under Federal law for Native Hawaiians but further directs that revenues from lands ceded back to the State are to be used for five purposes, one of which is the betterment of the conditions of Native Hawaiians.

I would also like to address the report issued by the U.S. Commission on Civil Rights. The U.S. Commission on Civil Rights was established to serve as an independent and bipartisan fact-finding agency to investigate and report on the status of civil rights in our country. The GAO just issued a report highlighting the Commission's lack of policies to ensure that its national products—its briefings, reports, and hearings—are objective and that the Commission is sufficiently accountable for decisions made on these projects.

Take this issue, for example. In January, the Commission determined it

would hold a briefing on this legislation we are considering. The Commission failed—the Commission failed—to consult with the Hawaii State advisory committee, which is composed of experts on civil rights in Hawaii. This is not a new issue. In fact, the Hawaii State advisory committee has previously issued three reports addressing the political and legal relationship between Native Hawaiians and the United States. The Hawaii State advisory committee members tried to participate in the process, and their efforts were rebuffed. This was not a case of being overlooked; this was a case of being shut out by that Commission.

The Commission was provided with a substitute amendment that we negotiated with the executive branch in January by my staff. In addition, provisions of the amendment were discussed during that briefing. Yet in May of this year, when the Commission voted to issue its report, it based its decision on the bill as reported out of committee, not the bill we will actually be debating and voting upon.

In addition, the Commission's report has no analysis, no findings in it. The report is a summary of testimony made by witnesses and a conclusion that the legislation is race-based—again, no analysis, no findings.

Further, upon reviewing the transcript, it is clear to me that the majority of the Commissioners were not familiar with Hawaii's history, with Federal Indian law, or with the legislation itself at the briefing. Again, this is where the expertise of the Hawaii State advisory committee to the Commission would have been helpful, yet their efforts were rebuffed.

The two Commissioners who dissented read the bill. They read the bill. That was obvious in their dissents which actually analyze the bill and Hawaii's history.

I question such actions, as they leave me with little doubt that there are those who used this process for political reasons—to the detriment of Hawaii's indigenous peoples and the people of Hawaii. My conclusion is supported by the recent GAO report criticizing the Commission as lacking policies to ensure objectivity in its hearings and briefings and accountability in its conclusion. And they have issued that report.

In addition, on June 6, a Resolution of No Confidence was adopted by current and former State advisory committee chairpersons regarding the Commission's commitment to fulfilling statutory and regulatory obligations to the State advisory committees. This saddens me greatly, as many of us have tremendous respect for the Commission. And I repeat, we have tremendous respect for the Commission, but that respect is based on our reliance on the Commission as an independent, bipartisan, factfinding agency. There was little independence, bipartisanship, or factfinding in the Commission's consideration of this legislation. That an agency with such an important mission would succumb to a political agenda is disgraceful and offensive.

Last night, the Department of Justice issued a letter expressing opposition to S. 147. This is understandable and, of course, not surprising. The administration voiced these concerns last July. That prompted 3 months of negotiations with Hawaii's congressional delegation and Governor with the Department of Justice, Office of Management and Budget, and the White House officials. The result of those negotiations is S. 3064, which the majority leader put on the calendar this week. If the Senate invokes cloture on S. 147, the language of S. 3064 will be offered as a substitute. That language, agreed to with the administration, addresses the administration's policy concerns with the original bill.

The administration's letter of last July noted constitutional concerns with the legislation. As the floor debate yesterday demonstrated, disagreement over those constitutional questions exists and, if the legislation is enacted, would rightfully be left to the courts to decide. The substitute amendment addresses liability of the United States, ensures that military readiness is preserved, prohibits gaming, and ensures that civil and criminal jurisdiction remains with the State and Federal Governments until negotiated.

I ask my colleagues who have only had the time to listen to characterizations of the bill and sound bites of perceived impacts to actually take a look at this bill. It is not often that we can get almost every policymaker in Hawaii to agree on an issue. Except for two people in the State legislature, every other policymaker in Hawaii supports authorizing a process for the reorganization and recognition of a Native Hawaiian governing entity for the purposes of a government-to-government relationship. We are the people who deal with this every day. I ask you, at a minimum, to give us an opportunity to share more information about this with you. Don't make your decision based on someone else's characterization of the bill if you have not taken the time to read it and understand it. The people of Hawaii—native and nonnative—deserve more than that.

I stand here and ask my colleagues to vote for cloture so that we can further address these matters. I ask all of you to give us the courtesy of at least a debate on this bill.

I have heard the opposition, and again I say that we have had good relationships which will continue, and I want to voice the reasons we need this bill because as we pledge daily, under God, with liberty and justice, we do this.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. How much time is remaining on our side?

The PRESIDING OFFICER. There is 12 minutes 50 seconds remaining.

Mr. ALEXANDER. Mr. President, I ask the Chair to notify me when 10 minutes has lapsed.

Mr. President, I wish to begin as I began yesterday, by expressing my respect for the Senators from Hawaii, and it is genuine, it is a genuine respect. I also wish to begin by making it absolutely clear that there is no question about whether Hawaiians, including Native Hawaiians, are Americans. Hawaiians, including Native Hawaiians, are Americans, as good Americans as any Americans, and that is why this bill is a bad bill.

Hawaiians became U.S. citizens in 1900. They have saluted the American flag. They have paid American taxes. They have fought in American wars. The distinguished senior Senator from Hawaii has won the highest honor our Nation gives to an American warrior. In 1959, 94 percent of Hawaiians reaffirmed that commitment to become Americans by voting to become a State. Like citizens of every other State, Hawaiians vote in national elections.

My argument is that since Hawaiians have chosen to become Americans and distinguish themselves as Americans, that is the reason we should not move forward to allow a small group of Hawaiians, who live in every State in the Nation, to form a new government, a sovereign entity, which would be empowered to negotiate, as was said yesterday on this floor, the question of secession from the United States, the question of transfer of land to this new entity, the question of the transfer of money to this new entity, and the question of civil and criminal laws to this new entity.

When we began this discussion, many Senators were saying: Wait a minute, you are mischaracterizing this bill; it is not about sovereignty, it is not about land and money, it is not about race. But I think we have clearly established—and I believe it is a fair characterization of what the Senator from Hawaii has just said—that it is about sovereignty. It is clearly about race because you can't be a member of this new government unless you have Native Hawaiian blood; it may be only a drop of blood. So it is based on race. So the only possible argument to justify doing what no group of American citizens would ever be allowed to do in the United States is that this is just another Indian tribe, just another tribe. I want to address that in just a moment.

United States law, of course, does recognize Native American tribes, and the contention here today, from the Senators from Hawaii, is that this is just another tribe. That is a different contention than the State of Hawaii made a few years ago, in 1998. There, in the case of Rice v. Cayetano, the brief of the State of Hawaii said, ''the tribal concept has simply no place in the context of Hawaiian history.'' This is what the State of Hawaii said in 1998 before the Supreme Court.

Yesterday the Department of Justice Assistant Attorney General of the United States wrote a letter to the majority and minority leaders of the U.S. Senate saying that the administration strongly opposes this piece of legislation. It first discusses the constitutional objection to creating a race-based government, which clearly violates our Constitution and turns that original motto of this country, ''from one, many,'' upside-down. The letter from the Assistant Attorney General goes on to say:

While this legislation seeks to address this issue by affording federal tribal recognition to native Hawaiians, the Supreme Court [of the United States] has noted that whether native Hawaiians are eligible for tribal status is a ''matter of dispute'' and of considerable moment and difficulty.

The Assistant Attorney General goes on:

Given the substantial historical structure and cultural differences between native Hawaiians as a group and recognized federal Indian tribes, tribal recognition is inappropriate for native Hawaiians and would still raise difficult constitutional issues.

I ask unanimous consent to have the letter from the Assistant Attorney General printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
Washington, DC, June 7, 2006.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The Administration strongly opposes passage of S. 147. As noted recently by the U.S. Civil Rights Commission, this bill risks ''further subdivid[ing] the American people into discrete subgroups accorded varying degrees of privilege.'' As the President has said, ''we must . . . honor the great American tradition of the melting pot, which has made us one nation out of many peoples.'' This bill would reverse that great American tradition and divide people by their race. Closely related to that policy concern, this bill raises the serious threshold constitutional issues that arise anytime legislation seeks to separate American citizens into race-related classifications rather than ''according to [their] own merit[s] and essential qualities.'' Indeed, in the particular context of native Hawaiians, the Supreme Court and lower Federal courts have invalidated state legislation containing similar race-based qualifications for participation in government entities and programs.

While this legislation seeks to address this issue by affording federal tribal recognition to native Hawaiians, the Supreme Court has noted that whether native Hawaiians are eligible for tribal status is a ''matter of dispute'' and ''of considerable moment and difficulty.'' Given the substantial historical, structural and cultural differences between native Hawaiians as a group and recognized federal Indian tribes, tribal recognition is inappropriate for native Hawaiians and would still raise difficult constitutional issues.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Mr. ALEXANDER. As to the charge the U.S. Civil Rights Commission didn't review this carefully, I will ask unanimous consent to have a letter to Senator CORNYN printed in the RECORD. It is from a member of the Commission, Peter N. Kirsanow, writing in his individual capacity, who details the careful attention, he says, that the Commission gave to the legislation.

He says, in addition, ''I maintain that it is the worst piece of legislation the commission has reviewed during my tenure.''

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. JOHN CORNYN,
Chairman, U.S. Senate Subcommittee on Immigration, Border Security and Citizenship.

DEAR SENATOR CORNYN: The U.S. Commission on Civil Rights (''Commission'') found significant problems with the proposed Native Hawaiian Government Reorganization Act (S. 147), also known as the Akaka bill. I maintain that it is the worst piece of legislation the Commission has reviewed during my tenure.

The Commission went to great lengths to ensure that its report on the Akaka bill (''Report'') was thorough, well-reasoned and objective. Much of the Report was based upon testimony from a balanced panel of expert witnesses. Public comment on the Akaka bill also was solicited and a number of responses were received from a variety of perspectives—both pro and con. The ABA, for example, issued a letter supporting the bill. Others opposed it. The Commission considered all of these responses and modified the Report based on valid concerns of those critical of some of the provisions in earlier drafts. The final Report reflects these recommendations, reaffirming its balance.

The Report was subjected to rigorous controls, several layers of review, checks and balances to insure its accuracy and integrity. Any attempt to discount the Report's findings on the basis of a GAO report that the Commission somehow lacks procedures for insuring objectivity is completely misdirected. The GAO report cited by proponents of the Akaka bill does not relate to the Report. Rather, the GAO's findings relate largely to the lack of internal controls at the Commission during and resulting from the previous management that had failed, among other things, to conduct an audit in 12 years; and was repeatedly excoriated for issuing reports perceived as biased.

Since assuming a majority on the Commission over a year ago, the Republican commissioners, along with our new Democrat colleagues, have worked vigorously to adopt all previous GAO reform recommendations and to implement a broad series of internal controls and procedures to insure the integrity of Commission reports. These procedures were adopted well before the Commission hearing on the Akaka bill and the issuance of the Report. (For example, the hearing had an equal number of witnesses on each side of the issue, something the Commission was not necessarily known for in prior years).

The Commission's Report on the Akaka bill represents a fair, rigorous and objective assessment of the bill. Although I am writing in my individual capacity, I am sure that the majority of my colleagues hope that the Senate, in it's deliberations on the Akaka bill, gives the Report serious consideration.

Sincerely,

PETER N. KIRSANOW,
Commissioner,
U.S. Commission on Civil Rights.

Mr. ALEXANDER. Mr. President, what do we have here on the issue of ''just another tribe''? Under the United States law, as we have said several times, there are specific requirements for the recognition of an Indian tribe. The U.S. Government does recognize those tribes. But it has not created any tribe. This would be the creation, the establishment of a new sovereign government.

Here is what the law says:

The tribe must have operated as a sovereign for the last 100 years.

Native Hawaiians have not. It says:

Tribes must be a separate and distinct community.

Native Hawaiians are not. They live in every State of the United States of America; 160,000 live outside of Hawaii. Only 20,000 live on the Native Hawaiian homelands.

It further says:

A tribe must have had a preexisting political organization.

The Native Hawaiians did not. That is why, I suppose, the brief of the State of Hawaii acknowledged in the Supreme Court of the United States, in 1998, ''The tribal concept simply has no place in the context of Hawaiian history.''

In the history of our country, as it grew and developed, there have been many wrongs. The men who wrote our Constitution, setting our high goals, were only men. And women didn't even have the right to vote in the United States until 100 years ago. Those who wrote the Constitution locked out the press. The press would say today that is a wrong. Those who wrote the Constitution, many of them, owned slaves. That was a terrible wrong.

But our history is filled with reaching high goals to address and correct those wrongs, and doing it as a Nation, as Americans, all of us together. We are proud of our nationalities, of where we come from. But when we become Americans, as Hawaiians did when they became a State in 1959, we pledge allegiance to the United States of America. This bill would create a new competing government. That is what is wrong with this bill. It is the wrong way to right whatever wrongs may have happened in Hawaii.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. ALEXANDER. It is my hope that my colleagues will vote no on this bill. Perhaps there are other ways that the Congress can help the distinguished Senators from Hawaii address wrongs which may have existed in Hawaii. But if that motto means anything, ''E pluribus unum,'' and if the constitutional prohibition against making distinctions based on race means anything, then we should not be authorizing a new sovereign government capable of negotiating secession, land, money, civil and criminal penalties—admission to which is only based upon race. The U.S. Department of Justice, the Supreme Court, the State of Hawaii itself—all have said this is not a tribe. Hawaiians are proud Americans,

which is why this bill should be rejected.

Mr. ENZI. Mr. President, I rise in strong opposition to S. 147, the Native Hawaiian Government Reorganization Act of 2006. We must celebrate racial diversity in our Nation. Racial diversity defines the cultural norms and values that make America the ''melting pot'' that is so amazing. America's foundation is built upon many diverse races and cultures uniting to become one Nation, but while we can celebrate those diverse cultures, we must remember that we are all Americans and we must work to bridge gaps, not widen them.

Every day millions of Americans pledge their allegiance to our flag. They stand for the freedoms and rights guaranteed by our Constitution. One of the essential clauses of this pledge remains, ''one Nation, under God, indivisible, with liberty and justice for all.'' A source of our strength is our diversity, and still, despite our diversity, we are melded as one Nation, under God.

When I return to Wyoming, I often attend swearing in ceremonies. It is an honor to watch people become citizens of this great Nation. Swearing in ceremonies are moving experiences that I cherish. At a swearing in ceremony, people from every background and every nation come together to celebrate America. Every American should take the time to watch a swearing in ceremony because when they do, they will realize the privilege that comes with being an American citizen. They come in as citizens of India, China, Mexico, Germany, and many others, but they leave as Americans.

Although many citizens of this country practice and honor diverse traditions that are unique to their culture, one core similarity exists: we are all Americans. Racial diversity is important, but it should not be the rationale for the establishment of a separate sovereign government.

Wyoming is the home to the Eastern Shoshone and Northern Arapahoe Tribes on the Wind River Indian Reservation. As part of the United States, these tribes have been recognized for nearly 150 years as sovereign nations. The Eastern Shoshone community was granted sovereignty during the Treaty of Fort Laramie in 1863 before Wyoming became a State. Over the years, other Native American and Alaskan tribes gained sovereignty by meeting the criteria laid out in our laws. Native Hawaiians now seek sovereignty similar to that of Native Americans and Alaskan Natives through this legislation.

While I understand their desire to be granted sovereign immunity, the facts and circumstances surrounding Native Hawaiians are different. It does not make sense to waive or change the requirements that others had to meet.

Our Government has never created an Indian tribe. Sovereignty has only been granted to preexisting tribes and only in special, rare circumstances after statehood.

In order to be federally recognized, a tribe must meet several criteria. A tribe must prove it existed and operated as a tribe for the past century. Additionally, the tribe must distinguish itself as a separate and distinct community both geographically and culturally. Finally, the tribe must have a preexisting political structure that is clear. Native Hawaiians do not meet these criteria.

A distinct community does not exist according to the standards outlined in the proposed legislation. Within the United States and the State of Hawaii, Native Hawaiians live integrated among all races.

During the ''fall'' of Queen Liliuokalani, a ''Native Hawaiian'' government was not present. All races coexisted under the reign of the monarchy. Non-natives even held high positions within the government.

In 1898, at the time of annexation, there was no political effort to treat Native Hawaiians similar to Alaska Natives or Native American tribes. The same held true when 94 percent of Hawaiians voted to become a State in 1959. Ninety-four percent of Hawaiians voted to become Americans. In fact, at that time, advocates of Hawaiian statehood emphasized the cohesive diversity, the ''melting pot'' nature of Hawaii.

In addition, in 1998, the State of Hawaii's Supreme Court brief from the case of Rice v. Cayetano expressed the government's belief that, ''The Tribal concept simply has no place in the context of Hawaiian history.''

If the proposed legislation passes, the progress we have made over the past century to improve racial equality regresses. Instead of uniting the country, we divide it, and some of the darkest hours of this Nation occurred when people were separated because of race. This legislation is based solely on the ideology of race.

We are all Americans, and as such, we need to be united. Although I respect the desire of Native Hawaiians to be a federally recognized sovereign nation, I strongly urge my colleagues to oppose S. 147.

Mr. MCCAIN. Mr. President, today we will vote on the motion to proceed to S. 147, the Native Hawaiian Government Reorganization Act of 2005. This legislation was passed by the Indian Affairs Committee on March 9, 2005. The bill is similar to a bill reported by the Committee during the 108th Congress that was not brought before the full Senate.

S. 147 was developed to provide Native Hawaiians with a mechanism for self-governance and self-determination, which the bill's sponsors believe would protect from legal challenges a variety of programs and services currently in place for the benefit of Native Hawaiians. To achieve this goal, the bill would establish a process that would permit Native Hawaiians to organize a sovereign entity that would have a legal relationship with the United States similar to that which exists today between the United States and federally recognized Indian tribes.

I recognize that this legislation has been offered in response to many legitimate concerns expressed by the members of the Hawaii delegation and the State's Governor. The leaders of the State of Hawaii are attempting to ensure that a longstanding agreement between the Federal Government and Hawaii will not be jeopardized by litigants determined to undermine certain aspects of that agreement relating to Native Hawaiians. That does not change the fact that I have serious doubts about the wisdom of this legislation.

The sponsors reached an agreement in the 108th Congress that they would be afforded an opportunity to bring the bill to the Senate floor during this Congress. To fulfill that agreement, in my capacity as the chairman of the Indian Affairs Committee, I have worked to ensure that the legislation would be reported by the committee. I will also support the motion to proceed to the bill's consideration because of the agreement that was reached in the last Congress. I would like the record to reflect clearly, though, that I am unequivocally opposed to this bill and that I will not support its passage should cloture be invoked.

Again, I do know how important this legislation is to the Senators from Hawaii and certainly to the very capable Governor of the 50th State. I am very much aware that one of the purposes of this legislation is to insulate current Native Hawaiian programs from constitutional attack in the courts, and I am sympathetic to that purpose. I commit to the Senators and the Governor that I remain willing to work with them to address the fundamental legal concerns facing their State. I also recognize the efforts made by Senator AKAKA to address some of the criticisms that have been leveled at this legislation. However, I still have a number of significant concerns with this measure.

Foremost among these concerns is that, if enacted, S. 147 would result in the formation of a sovereign government for Native Hawaiian people. I am sure that the sponsors have good intentions, but I cannot turn away from the fact that this bill would lead to the creation of a new nation based exclusively—not primarily, not in part, but exclusively—on race. In fact, any person with even a drop of Hawaiian blood would qualify to vote on the establishment of this new, legislatively created entity that would then negotiate with the Federal Government of the United States and the State of Hawaii on potentially unlimited topics.

As the U.S. Commission on Civil Rights stated in its recent report recommending against passage of S. 147, this bill would ''discriminate on the basis of race'' and ''further subdivide

the American people into discrete subgroups accorded varying degrees of privilege.'' This is unacceptable to me, and it is unacceptable, I am sure, to most other citizens of this Nation who agree that we must continue our struggle to become and remain one people—all equal, all Americans.

Mr. REID. Mr. President, I will use my leader time now.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REID. Mr. President, I have had the good fortune to serve here in Washington almost a quarter of a century. I have had the good fortune of serving with wonderful people, both when I served in the House and when I have had the opportunity to serve here in the Senate. As I look back over the delegations from the respective States here during my service in the Senate, there are no two finer men, no two finer persons who have ever served in our Senate than the two Senators who now represent the State of Hawaii. Senator AKAKA and Senator INOUYE are two of the best.

Everyone knows, because I have stated here on the floor, how I feel about DAN INOUYE. I have never, ever known a person for whom I have more respect and admiration than I do DAN INOUYE. Think about that: A man who has earned the highest award this country can give for heroism, the Medal of Honor; DAN AKAKA, who served in the military.

We live in a country that is a Federal Government. What does that mean? It means, as I learned in college, that you have a central whole divided among self-governing parts. What are those self-governing parts? It is the State of Nevada, it is the State of Florida, it is the State of Tennessee, and it is the State of Hawaii—plus 46 others; none better than the other. Hawaii is equal to Florida, to Tennessee, to Nevada.

Let's talk about Nevada. Nevada has been a State for a long time, since 1864. Hawaii is one of the two new kids on the block, along with Alaska. But take Nevada as an example. The State of Nevada has 22 different Indian tribes and Indian entities. The State of Nevada knows they are there. It works just fine. It doesn't take away our sense that we are part of the Federal Government. We need to treat Hawaii as we do other States.

Some have said here that it is going to change the State of Hawaii. I think we should give the Senators from the State of Hawaii a little bit of credit for doing what is right for their State. We are scheduled to vote in just a short time on a motion to proceed to S. 147, the Native Hawaiian Government Reorganization Act. This vote provides all Senators an opportunity to do right by Native Hawaiians, and just as importantly by Hawaii's two very distinguished Senators, about whom I have just spoken.

A look at the historical record of Native Hawaiians demonstrates the importance of this legislation. That is why the two Senators from Hawaii have worked tirelessly on its behalf.

I can remember when this vote was scheduled previously. It was within a day or two of when Katrina hit. In Washington at the time was the Governor of the State of Hawaii. She believed just as strongly as these two men that it was good for Hawaii. It was bipartisan. She is a Republican and these are two Democrats.

From their very first contacts with the western world more than two centuries ago to today, Native Hawaiians have endured a lot—just as the Native American Indians in Nevada endured a lot, a whole lot. While the Native Hawaiians have done so much, with such quiet dignity and courage, it should be clear to all of us that they now require our attention.

This legislation will do several things. First, it establishes a process for the reorganization of the Native Hawaiian Government Authority. There is nothing wrong with that. There is nothing different from the Pyramid Paiute tribe in northern Nevada. Pyramid is named after the lake there, Pyramid Lake.

It is no different from the Owyhee Indians in the northeastern part of our State. How would you get a name that sounds like Hawaii? Their reservation is Owyhee because well more than 100 years ago some Hawaiians came there to trap, and that is the last we heard of them. But the name never left. Hawaii, Owyhee. It is a sovereign tribe in Nevada. It has Hawaiian roots—at least the name. We are proud of them, the Indians. That reservation is made up of Shoshonis and Paiutes.

Second, this legislation, after the process has run its course and a Native Hawaiian governing entity is established, just like the tribal government, Walker River, that we have with the Paiute tribe, the bill reaffirms the special political/legal relationship between the U.S. Government and that entity, just like the Las Vegas Indian colony.

Third and perhaps more important, in the words of an editorial in Wednesday's New York Times, ''this legislation offers a chance for justice in Hawaii.''

Although arguments for why the Senate should address the legislation are crystal clear, I think the integrity of the U.S. Senate is on the line here. I think the integrity of the Senators who seek this opportunity merit attention. I have addressed myself to that.

The chance for justice in Hawaii—that is what this is all about. Hawaii is no different than Nevada. Native Hawaiians are no different than the Indians in Nevada.

The PRESIDING OFFICER. Who yields time? The Senator from Hawaii.

Mr. INOUYE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes and 37 seconds.

Mr. INOUYE. Mr. President, before proceeding I would like to thank my leader, the Senator from Nevada, for his very generous remarks. I appreciate that very much.

I rise today in support of S. 147, the Native Hawaiian Government Reorganization Act and to address the outrageous mischaracterizations that some of my colleagues made yesterday about this measure. The law does not support their attempts to discriminate against Native Hawaiians so my colleagues had to resort to trying to confuse the issue.

This measure does not result in race discrimination. But discrimination will occur if this measure is not passed. It is undisputed that Native Hawaiians are the aboriginal, indigenous people of Hawaii. Yet some of my colleagues want to discriminate against them and treat them differently from other Native Americans—the American Indian and the Alaska Native. They seek to impose a new requirement for Congressional legislation to authorize the reorganization of a Native Hawaiian government even though many of these opponents have been in Congress for years and did not impose this requirement on the other aboriginal indigenous people recognized by Congress since 1978. Do not participate in these discriminatory activities.

Congress has plenary authority over the aboriginal, indigenous people of America. The Supreme Court has repeatedly upheld this. The Supreme Court has also acknowledged Congress' authority to recognize as an Indian tribe the aboriginal, indigenous people of America regardless of whether they are Indians, regardless of whether they are organized as a tribe, and regardless of whether they are located in territory of the United States. My colleagues who spoke against this measure yesterday know this. But none of them attempted to address these issues.

Rather, they are trying to distract us and the American people by claiming that this bill will strip Native Hawaiians of their American citizenship. My colleagues know better than this. They know that Indian tribes, however they are formed, are recognized as sovereign governments in the United States. They know that since the early 1800s the Supreme Court has called the Native governments of this land—domestic, dependent nations. They know that the status and existence of Native governments is recognized within our form of government. But they are relying on the fact that many of our citizens are not familiar with Native American governments so that they incite fear of racial preference, denial of rights, and secession.

Although the United States of America does not recognize dual citizenship for those who come from other countries, the United States does recognize that Native Americans can be both citizens of the United States and members of their Native government. This is true even for those Native Americans located in the lower 48, whose

tribal governments were terminated in the 1950s, or whose tribal governments were restored or recognized over the last 30 or so years. This bill will lead to a similar situation for the Native Hawaiians. It is not inconsistent with what already exists in the United States.

Native Hawaiians do live as separate and distinct communities. In 1921, Congress enacted the Hawaiian Homes Commission Act of 1920, which set aside approximately 203,500 acres of land for homesteading and agricultural use by Native Hawaiians. The Act was intended to ''rehabilitate'' the Native Hawaiian race, which was estimated to have dropped from between 400,000 and 1 million, to 38,000. At the time, prevailing Federal Indian policy was premised upon the objective of breaking up Indian reservations and allotting lands to individual Indians. Most of the homestead communities belong to an organization called the State Council of Hawaiian Homestead Associations. The Council is composed of 24 separate Native Hawaiian Homestead Associations. These associations are distinct and separate communities of Native Hawaiians.

Aside from living on Hawaiian homelands, there are communities that are distinctly Native Hawaiian. Through Native Hawaiian social and political institutions such as the Royal Hawaiian societies which existed during the Kingdom of Hawaii as well as the Association of Hawaiian Civic Clubs, Kamehameha Schools, and Queen Liliuokalani Children's Center, the Native Hawaiian community has maintained its distinct character as an aboriginal, native people.

Native Hawaiian culture, tradition, custom, and language has experienced a renaissance in the past 30 years. Many Native Hawaiians speak the Hawaiian language and practice the cultural practices of our kupuna, our ancestors, in health care and in education.

In another attempt to incite fear of this bill, some of my colleagues stated that this measure would lead to Hawaii seceding from the United States. Yes, a small percentage of my constituents advocate for Independence from the United States. It is an extreme view that I do not share, that the majority of Hawaii's citizens do not share, and that will not happen.

In 1959, Hawaii was admitted to become a part of the United States because the voters in the territory of Hawaii overwhelmingly voted to do so. This does not, however, erase the wrongs that were committed against this unique group of indigenous aboriginal native people. This bill does not affect Hawaii's statehood or the rights of it citizens under such statehood. This measure does, however, provide an opportunity to reorganize a Native Hawaiian government, similar to that of Alaska Native and American Indians, who are also American citizens, and it provides an opportunity to finally resolve longstanding issues that exist in Hawaii as a result of the illegal overthrow.

The United States, in enacting Public Law 103–150, the Apology Resolution, has already recognized the fact that Native Hawaiians have never given up their inherent sovereignty. Despite the fact that Hawaii was admitted as the 50th State of the Union, Native Hawaiians neither by the government or through a plebiscite or referendum gave up their rights to inherent sovereignty. The June 27, 1959, statehood plebiscite in Hawaii only asked ''Shall Hawaii immediately be admitted to the Union as a State?'' Although the statehood plebiscite did not provide other options for independence or free association, it did not dissolve an inherent right to sovereignty by the indigenous people of Hawaii, Native Hawaiians.

Native Hawaiians are Americans and will continue to be American citizens upon enactment of this measure. Like other Native Americans, Native Hawaiians have honorably and overwhelmingly served in the United States military. Like their Native American brethren, they have served in numerous wars, including, World War II, Vietnam, Afghanistan, and Iraq and remain truly essential to protecting our country. Native Hawaiians will continue to do so after enactment of this measure. Native Hawaiians are truly proud to be Americans and should be.

Yesterday, some implied that this measure would abridge the right to vote and there was an attempt to somehow link the Supreme Court's decision in Rice v. Cayetano to this matter. This holding of this case has no bearing on the measure before us and this bill does not reverse the Court's holding. In order to fully understand what this decision did and did not say, one needs to know the facts:

The Office of Hawaiian Affairs is established pursuant to the Hawaii State Constitution as a State agency to administer programs for the benefit of Native Hawaiians. Prior to the Rice decision, the State limited voting for the trustees of the Office of Hawaiian Affairs, to Native Hawaiians. Mr. Rice, a non-Native Hawaiian citizen of the State of Hawaii, sued the Office of Hawaiian Affairs, a State agency, because he was not eligible to vote in the elections for the Board of Trustees that administers programs for the benefit of Native Hawaiians. Because the Office of Hawaiian Affairs is an arm of the State, the Supreme Court held that the State of Hawaii's denial of the right to vote in elections for the Board of Trustees of the Office of Hawaiian Affairs violated the Fifteenth Amendment guarantee of the right to vote.

That is what the Rice v. Cayetano decision held. Nothing more, nothing less.

But it appears that many of my colleagues have not read Rice. So I will take the liberty to cite from the decision so that my colleagues can fully understand that this case has no bearing on the matter before us today. Because with respect to whether or not Congress may treat Native Hawaiians as it does Indian tribes, the Court left open the possibility that Congress could treat Native Hawaiians as such. At 528 U.S. 518, the Court accurately noted that it had not yet considered whether ''Congress . . . has determined that native Hawaiians have a status like that of organized Indian tribes. . . .'' but the Court continued by specifically stating on page 519, ''We can stay far off that difficult terrain.'' The Court found it unnecessary to address whether Congress has treated Native Hawaiians as an Indian tribe because it found that the Office of Hawaiian Affairs is a State agency.

Although the holding of Rice is not relevant to the matter before us, the author of the State's brief is interesting, for the author is none other than recently confirmed Chief Justice John Roberts. Now Chief Justice Roberts clearly laid out the arguments as to how and why Native Hawaiians are a separate and distinct aboriginal, indigenous people who fall within Congress's plenary authority over Indian tribes. For instance, Chief Justice Roberts stated:

> Congress's broad authority over Indian affairs reaches the shores of Hawaii, too.
>
> The Constitution gives Congress—not the courts—authority to acknowledge and extinguish claims based on aboriginal status.
>
> Congress has established with Hawaiians the same type of 'unique legal relationship' that exists with respect to the Indian tribes who enjoy the 'same rights and privileges' accorded Hawaiians. . . .

I urge all of my colleagues to read the excellent brief drafted by now Chief Justice Roberts.

Congress has repeatedly enacted laws that limit the right to vote in Native governmental elections to the members of that native government and it is consistent with the Constitution. In the 1930's, Congress enacted the Indian Reorganization Act and limited voting to tribal members. In the 1970's, Congress enacted the Alaska Native Claims Settlement Act and limited voting to Native shareholders and their descendants. Since 1978, Congress has enacted over 20 laws that authorized the reorganization or recognition of Indian tribes and many of those laws expressly limit voting to the members of those tribes. To listen to the opponents of this measure, the bill will create a racial preference for voting in a native government and that this has never been done before. But as I just pointed out, this bill is not forging new ground. This bill is consistent with Congress's past actions and the Supreme Court has never questioned these actions.

Another matter that my colleagues try to confuse others on is the difference between reorganizing or recognizing a native government and creating a native government. No one, not even the opponents of the measure, dispute that Native Hawaiians exercised sovereignty over the lands that now

comprise Hawaii before European contact. No one disputes that there was a Native Hawaiian Kingdom. Consequently, there was a Native Hawaiian government that the United States recognized as a sovereign. Indeed, the United States even engaged in government-to-government relations with the Kingdom of Hawaii. It is this government which will be reorganized as a domestic, dependent nation within our constitutional framework, in a manner consistent with the status of other Native Americans.

To hear the comments made yesterday, one would think that there was never a Native Hawaiian government. One of my colleagues recently attended a forum on this measure and mentioned his concern over the lack of civic education in America and the corresponding lack of knowledge about America's history. I agree with him. I urge all my colleagues to learn more about the history of Hawaii, the history of Native Hawaiians, the history of the United States, the laws enacted by Congress for the benefit of the aboriginal, indigenous people of the United States, and the laws handed down by the Supreme Court.

I am confident that once my colleagues become more informed about these matters, all will realize that enacting legislation authorizing the reorganization of a native government is within Congress authority. The Supreme Court reaffirmed this authority as recently as 2 years ago in United States v. Lara. In fact, the Court acknowledged that ''Congress has restored previously extinguished tribal status—by re-recognizing a Tribe whose tribal existence it previously had terminated.''

Once everyone obtains more education about the history and laws influencing this measure, they will realize that various history impacts the history of the United States, you will realize the difference between authorizing the reorganization of a native government and creating one out of thin air.

Claims that this bill will establish a precedent for the recognition of tribal status for Amish or Hassidic Jews or other groups are ridiculous. It is just another attempt to scare the citizens of America. Congress has the authority to recognize government-to-government relations with the aboriginal, indigenous people because of their preexisting sovereignty over the lands because of European contact. None of these other groups are preexisting sovereigns who exercised such authority.

Nor will this result in a government for the Hispanics who lived in Texas before it became a republic in 1836, or for descendants of the French citizens before the Louisiana Purchase. Again, these citizens are not aboriginal, indigenous people who exercised sovereignty before Western contact. While Congress has used its plenary authority to recognize the aboriginal, indigenous people who reside in these former territories, Congress has never attempted to recognize the non-aboriginal, nonindigenous people as a government nor will it. We are not creating a precedent here.

Finally, I want to address the letter from the Department of Justice that was sent to Majority Leader FRIST last night. Last year, the Justice Department sent a longer letter outlining substantive policy concerns. Senator AKAKA and I, along with Governor Lingle, engaged in extensive negotiations with administration officials to address these substantive policy concerns. The result of these negotiations are contained in the substitute amendment that Senator AKAKA will he offering. There was no attempt to address the ideological concerns laid out in that letter. Therefore, Senator AKAKA and I have always known that all of the Department of Justice's concerns will not be addressed in the substitute amendment.

Before anyone relies too much on the Justice Department's letter, let me point out that the letter cites to the United States Commission on Civil Rights. I urge everyone to read the Government Accountability Office report released last week that noted the Commission's recent activities are not objective nor are there procedures in place to guarantee that they are.

While the letter correctly notes that the Supreme Court believes there is considerable dispute, it fails to acknowledge that the Supreme Court could have addressed the issue in Rice v. Cayetano but instead chose to put the issue aside for another day. The letter also does not mention the extensive Supreme Court case law that recognizes that it is Congress who has the authority to recognize a government-to-government relationship with a native government, not the Courts.

I urge my colleagues to vote ''yes'' on cloture so that this matter can be fully debated and everyone can be informed of the law supporting this measure. Do not fall victim to attempts to confuse this issue before us. Do not let your arm be twisted with threats that you should ignore your constituents and vote for the party line that is based on misinformation, not the law. All we are asking is that you allow an up or down vote on this measure.

Recently, the President of the United States George W. Bush submitted the name of John Roberts to be Chief Justice of the United States. Chief Justice Roberts was confirmed by this body because of his intellectual background and primarily because of his conservative views.

Recently, Chief Justice Roberts laid out arguments as to how and why Native Hawaiians are a separate and distinct aboriginal indigenous people who fall within Congress's plenary authority over Indian tribes. Among the many things that the Chief Justice said in his brief is the following:

> Congress' broad authority over Indian affairs that reaches the shores of Hawaii too.

He went further to say:

> The Constitution gives Congress—not the courts—authority to acknowledge and extinguish claims based on aboriginal status.

Chief Justice Roberts further stated:

> Congress has established with Hawaiians the same type of ''unique legal relationships'' that exist with respect to the Indian tribes who enjoy the ''same rights and privileges'' accorded Hawaiians . . .

I urge all of my colleagues to read this excellent brief by now Chief Justice Roberts.

Mr. President, many things have been said about what this bill will do and will not do. Some were rather outrageous, I must say. For example, it was argued that this bill will establish a precedent for the recognition of tribal status for Amish and Hasidic Jews or other groups.

I think it is just another attempt to scare our fellow Americans.

Congress has the authority to recognize government-to- government relations with aboriginal indigenous people because of their preexisting sovereignty over lands before European contact. None of the groups that have been named, such as the Amish or the Hasidic Jews, are preexisting sovereigns who exercised such authority.

While Congress has used plenary authority to recognize aboriginal indigenous people who reside in these former territories, Congress has never attempted to recognize the nonaboriginal nonindigenous people as a government, and it will not. We are not creating any precedent here.

Finally, the letter from the Department of Justice was mentioned. It was sent to our majority leader last evening.

Last year, the Justice Department sent a longer letter outlining substantive policy concerns. As a result of that letter, Senator AKAKA and I, together with Governor Lingle, the Republican Governor of Hawaii, engaged in extensive negotiations and discussions for nearly 2 months with officials of the White House, the Justice Department, and OMB to address these policy concerns.

The result of these negotiations was contained in a substitute amendment identified as S. 364, which was introduced by Senator AKAKA. He made a formal request that this bill be considered original text for consideration in this debate. Regretfully, that offer was rejected.

This letter from the Attorney General does not refer to S. 364, which they are well aware of because they helped us draft it. They refer to the old bill, S. 147, which we intend to substitute with S. 364.

Yes, we are aware of the shortcomings of S. 147, and we met for nearly 2 months to clarify that.

I hope my colleagues will vote yes on this cloture motion so this matter can be more fully debated and everyone can

be fully informed of the laws supporting the measure.

All we are asking for is an up-or-down vote on this measure. We just want an opportunity to debate this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee has 2 minutes remaining.

Mr. ALEXANDER. Mr. President, there is a fundamental shortcoming to this bill that can't be corrected by small amendments. There is no question that this legislation would—and I believe for the first time in our history—create a new, separate, independent race-based government within the borders of the United States of America. The only argument that could possibly justify such an offense to our constitutional tradition and our original motto, which says that when we became Americans we are proud of where we came from but we are prouder of being Americans, is that Native Hawaiians are just another Indian tribe. But the government of Hawaii itself, in a brief in the Supreme Court in 1998, said: ''The tribal concept simply has no place in the context of Hawaiian history.''

The Department of Justice, in a letter yesterday to the majority leader, with a copy to the minority leader, said: ''Tribal recognition is inappropriate for native Hawaiians and would still raise difficult constitutional issues.''

I have outlined in my remarks how Native Hawaiians do not constitute just another tribe. There may be wrongs to address, but this is the wrong way to right a wrong.

I urge my colleagues to vote no.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, the clerk will report the motion to invoke cloture on the motion to proceed to Calendar No. 101, S. 147, Native Hawaiians Governing Entity.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 101, S. 147, native Hawaiians Governing entity.

Daniel K. Akaka, Daniel K. Inouye, Charles Schumer, Jack Reed, Patrick Leahy, Joe Biden, Barbara Mikulski, Evan Bayh, Barbara Boxer, Frank Lautenberg, Harry Reid, Jay Rockefeller, Richard Durbin, Jeff Bingaman, Edward Kennedy, Herb Kohl, James M. Jeffords, Mark Dayton, Jon Kyl, Norm Coleman.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 101, S. 147, Native Hawaiians Governing Entity bill, be brought to a close? The yeas and nays are mandatory under rule XXII. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—56 yeas, 41 nays, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—56

Akaka	Feingold	Menendez
Baucus	Feinstein	Mikulski
Bayh	Grassley	Murkowski
Biden	Hagel	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Inouye	Nelson (NE)
Byrd	Jeffords	Obama
Cantwell	Johnson	Pryor
Carper	Kennedy	Reed
Clinton	Kerry	Reid
Cochran	Kohl	Salazar
Coleman	Kyl	Sarbanes
Collins	Landrieu	Smith
Conrad	Lautenberg	Snowe
Dayton	Leahy	Specter
Dodd	Levin	Stabenow
Domenici	Lieberman	Stevens
Dorgan	Lincoln	Wyden
Durbin	McCain	

NAYS—41

Alexander	Crapo	Martinez
Allard	DeMint	McConnell
Allen	DeWine	Roberts
Bennett	Dole	Santorum
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Frist	Sununu
Burns	Gregg	Talent
Burr	Hatch	Thomas
Chafee	Hutchison	Thune
Chambliss	Inhofe	Vitter
Coburn	Isakson	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	

NOT VOTING—3

Graham	Rockefeller	Schumer

Mr. PRESIDING OFFICER (Mr. VITTER). On this vote the yeas are 56, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. MCCONNELL. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF NOEL LAWRENCE HILLMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

NOMINATION OF PETER G. SHERIDAN TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

NOMINATION OF THOMAS L. LUDINGTON TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

NOMINATION OF SEAN F. COX TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider en bloc the following nominations, which the clerk will report.

The legislative clerk read the nominations of Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey; Peter G. Sheridan, of New Jersey, to be United States District Judge for the District of New Jersey; Thomas L. Ludington, of Michigan, to be United States District Judge for the Eastern District of Michigan; Sean F. Cox, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. Debate on these nominations shall be allocated as follows: Mr. LAUTENBERG, 10 minutes; Mr. MENENDEZ, 10 minutes; Ms. STABENOW, 10 minutes; Mr. SPECTER, 10 minutes; and Mr. LEAHY, 10 minutes.

Who yields time?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent to use 1 minute of the time allocated to Senator LEAHY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I am very pleased that the Senate will be voting today on two Michigan jurists, Tom Ludington and Sean Cox, whom the President has nominated to the Federal bench for the Eastern District of Michigan. Both of these jurists received unanimously ''well qualified'' ratings from the American Bar Association to serve as Federal district judges. We are fortunate that we have jurists such as Judge Ludington and Judge Cox devoted to public service. I believe both will bring character and judicial temperament and integrity to the Eastern District of Michigan. I congratulate these jurists and their families on their nominations. I urge the Senate to confirm them.

Thomas Ludington is currently chief judge on the Circuit Court for Midland

County in Midland, MI. He received his J.D. from the University of San Diego School of Law in 1979 and his B.A. from Albion College in 1976, where he graduated cum laude.

After graduating from law school, Judge Ludington worked as an associate and then as a shareholder-partner at a private law firm. At that firm, Judge Ludington's practice covered a range of commercial issues, including banking, securities, bankruptcy, the uniform commercial code, and employment law. He served as president of the firm for 6 years.

In 1995, Judge Ludington was elected to a 6-year term on the 42nd Circuit Court of Michigan. In 1999, he was appointed to the position of chief judge, in which he as served with distinction.

Judge Ludington is a member of several State and local bar associations and belongs to numerous professional and community organizations. For example, since assuming the bench, he has helped organize the Midland Alliance for Justice, a foundation for the local bar association that provides legal representation to indigent parties.

The American Bar Association rated Judge Ludington unanimously ''well qualified'' to serve as a Federal judge.

Sean Cox earned his B.A. from the University of Michigan and his J.D. from the Detroit College of Law in May 1983. In his 20-year legal career, Judge Cox has had experience in both private practice and on the bench. Judge Cox began practicing law in April 1984 as an associate attorney with a private law firm and worked for 12 years in the areas of medical malpractice, products liability, and complex litigation.

Cox left private practice in March 1996 to serve as judge of the Circuit Court for the Third Judicial Circuit in Wayne County, MI. Judge Cox has also served in various professional organizations and has frequently provided free legal services through a legal aid clinic his law firm established at St. Anne's Catholic Church in Detroit.

The American Bar Association has also rated Judge Cox Unanimously ''well qualified'' to serve as a Federal judge.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I endorse the nominations of the people under consideration, Noel Hillman and Peter Sheridan, to be Federal judges on the U.S. District Court of New Jersey. Both of these candidates are outstanding attorneys and are well qualified to assume the position on the bench.

The Senate has recently confirmed two nominees for this court—Judge Susan Wigenton and Renee Bumb. Today I hope this body will resoundingly approve these two additional nominees for the District of New Jersey.

Noel Hillman recently served as the Chief of the Public Integrity Section at the Department of Justice, leading a team of 30 attorneys who investigate and prosecute public corruption cases nationwide.

Mr. Hillman has a reputation for taking on crimes that undermine public confidence in our political system—no matter how political or controversial. He steps up to the task and does it well.

Before he went to the Justice Department, Mr. Hillman served as Deputy Chief of the Criminal Division of the U.S. Attorney's Office in New Jersey and as Assistant U.S. Attorney for the Fraud and Public Protection Division.

His work has not escaped recognition. He received the Attorney General's Award for Fraud Prevention in 2004, the Executive Office of U.S. Attorneys Director's Award in 1996 and 1999, and the Department of Justice Superior Performance Award in 1997.

I am also proud to note that Mr. Hillman was educated in New Jersey, graduating from Monmouth College and Seton Hall Law School.

Mr. President, Peter Sheridan has also been nominated for the District Court of New Jersey, and his resume shows his vast legal experience and knowledge.

Like Mr. Hillman, Peter Sheridan is the product of a New Jersey education. Mr. Sheridan also graduated from Seton Hall Law School, as well as receiving his undergraduate degree from St. Peter's College.

Both of these people know New Jersey well and are part of the culture and character of New Jersey. We are delighted that they are going to accede to the bench if approved here, as we expect.

Mr. Sheridan has spent the last decade as a named partner at Graham, Curtin & Sheridan in Trenton, NJ. Prior to that he worked in private practice at other law firms, and has a strong record of public service.

He served as director of the Authorities Unit for the State of New Jersey, vice president and general counsel of the Atlantic City Casino Association, and an attorney with the Port Authority of New York and New Jersey.

Mr. President, I note that if the Senate approves these two nominees, then this year alone we will have confirmed New Jersey nominees for the Supreme Court, the Third Circuit Court of Appeals, and the District Court of New Jersey.

I hope the good working relationship that allowed this accomplishment will continue for the remaining vacancy on the Third Circuit Court of Appeals and for future nominations.

I had the honor of introducing Mr. Hillman and Mr. Sheridan to the Judiciary Committee, and today I am proud to endorse their confirmation. I urge my colleagues to support them as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey, Mr. MENENDEZ, is recognized.

Mr. MENENDEZ. Mr. President, I rise today in support of the nominations of Peter G. Sheridan and Noel Lawrence Hillman to serve as United States District Judges for the District of New Jersey.

The confirmation of a judge to a lifetime appointment is a vital responsibility given to this body by the Constitution, and one that I take very seriously.

That is why I am pleased that our final two nominees from the package of four from New Jersey have come before the Senate today. Each of the four was favorably reported by the Judiciary Committee back in April. Their confirmation would be a testament to the cooperation and collaborative effort between the Senators from New Jersey, the Senate Judiciary Committee, and the White House.

When we work together to select qualified, independent, and diverse judges, we can fill these positions expeditiously and work in a bipartisan manner that benefits not only the State of New Jersey, but also our Nation.

Both nominees before us today are graduates of Seton Hall School of Law in Newark, NJ, and both possess undergraduate degrees from our shared State.

Mr. Sheridan attended my own alma mater, St. Peter's College, and was honored as Alumnus of the Year in 2003, an honor that I'm still hoping to receive one day. He has been in private practice with Graham, Curtin, and Sheridan for the past 11 years and is currently a shareholder and director of the firm. Mr. Sheridan is an experienced trial lawyer, appearing on numerous occasions before the very court to which he is now nominated. I am confident that his years of experience before State and Federal courts will serve him well on the Federal bench.

The final nominee in our package is Noel Lawrence Hillman. Mr. Hillman is a graduate, cum laude, from Monmouth University in Long Branch, NJ. In addition to his law degree, he also has a masters in law from New York University. Mr. Hillman served as an Assistant U. S. Attorney for nearly a decade before becoming Deputy Chief of the Criminal Division.

Most recently, he worked as the Chief of the Public Integrity Section at the U.S. Department of Justice, where he spearheaded the Government's case against Jack Abramoff. Mr. Hillman has twice received the Director's Award, the highest award given to an assistant U.S. attorney, and in 2004 received the Attorney General's Award for Fraud Prevention. The American Bar Association has rated Mr. Hillman as ''well qualified'' for this position and I must concur with that assessment.

There truly is no higher calling than the calling of public service. That is why I am so pleased to see people of this quality who are willing to serve our Nation in the administration of justice.

I must thank the chairman and ranking member of the Judiciary Committee for moving these nominees through the process so fairly and quickly. I hope the U.S. District Court for the District of New Jersey can serve as an example of bipartisanship and cooperation in getting mutually agreed upon judges confirmed without dispute. I look forward to each of our four nominees serving on the Federal bench and know that they will make our State proud.

Mr. President, I urge my colleagues to support the nominations of Peter Sheridan and Noel Lawrence Hillman to serve on the U.S. District Court for the District of New Jersey.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business and have this time counted toward the requirements for the executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERNET

Mr. WYDEN. Mr. President, tomorrow in the other body, the House of Representatives, they will begin debating one of the most important communications issues facing our country—the future of the Internet.

Since the other body will begin that discussion shortly and we have had debate beginning in the Senate Commerce Committee, chaired by Senator STEVENS who worked so cooperatively with Senator INOUYE, I wish to take a few minutes and talk about why I think this issue is so important and what the stakes are for our country.

We all understand what has been so exciting about the Internet. The Internet has been a tremendously democratizing force, ensuring that in every nook and cranny of America, opportunities are there for Americans to learn, to tap the free enterprise system and to secure health care to name a few. This is an extraordinary array of opportunities.

Today on the Internet, after you have paid your access charge to use the Net, you go where you want, when you want, how you want, free of discrimination because you have paid that one original access charge.

Unfortunately, there are huge communications lobbies, consisting particularly of some of the major phone companies and some of the major cable companies, that want to change the way the Internet works. They would like to make consumers and businesses in our country pay tomorrow for what is free today.

Today, when small businesses or consumers pay their Internet access charge, they can go wherever they want, whenever they want, however they want, without racking up extra charges and without facing discrimination. Unfortunately, these big communications lobbies would like to change that. For example, we see reports in distinguished business publications, such as the Wall Street Journal. They talk there about communications plans that are ''pay to play.'' If you were going to go to a variety of Web sites, under the approach they are proposing in the Wall Street Journal, the Web sites or the consumer would have to pay every time they went to one of these Web sites, in order to get good quality service.

I don't think that is right. I think that is discrimination. I think it is discriminating against consumers, I think it is discriminating against small businesses. I think it will do extraordinary damage to the inherent beauty of the Internet, which has been all about a fair shake for every American, for every consumer.

In an effort to spin this discrimination by the big cable companies and big phone companies against the consumers, the big lobbies are engaged in a huge advertising blitz. By my back-of-the-envelope calculations, these big lobbies are spending hundreds of millions of dollars on advertisements to convince the American people that discrimination and these extra charges they would face on the Internet are actually good for consumers and businesses.

If it is so good for the consumer, why are these lobbies spending millions of dollars on these advertisements to tell the American people about it? If discrimination was so good, wouldn't consumers have been interested in paying higher prices a long time ago?

It is hard to open the pages of a newspaper or turn on the television without seeing an advertisement urging people to stop Congress from ''regulating the Internet.'' One trade association has even placed ads in the airports around Washington, DC, hoping Senators and Representatives traveling back to their States will see them. I can't imagine the executives of these large corporations would commit such large sums to advertising if they didn't think these kinds of advertisements would pay off handsomely in profits.

Groups, such as Hands Off the Internet, a front group for some of the big communications lobbies, have offered some eye-popping ads. Look at this recent ad, for example, in which they display a copy of my legislation, the Internet Nondiscrimination Act. The only thing accurate about this ad is the top page of my bill. It has my name on it. It clearly says the ''Internet Nondiscrimination Act,'' but just about everything else is dead wrong. What they have done is falsely add what looks like hundreds, if not thousands, of pages to my bill. This is how they demonstrate what my legislation is all about. Here is the reality, Mr. President. Here is what they say I propose. However, this is just not accurate. Here is what my legislation looks like, what the big communications lobbies ought to describe as the real world; a piece of legislation that is 15 pages long.

The bill I have introduced, this 15-page bill, doesn't look like anything along the lines of what the big communications lobbies are spending such vast sums on saying it looks like.

There is an even more disturbing misrepresentation in this ad. It says, stamped up at the top, ''regulation.'' My legislation isn't about regulation. All I want is to leave the Internet alone. I don't want it to be subject to discriminatory changes, changes that would hit the American consumer in the pocket.

I think any fairminded American who looks at my record will see that I have never sought to regulate the Internet. On the contrary, when I came to the Senate, I was a leader in the effort to keep the Internet free of discriminatory taxes. I fought to keep the Internet free of regulation. Now I am trying to keep control of the Internet in the hands of the American people and not force Americans in this country to pay tomorrow for what is free today.

If you looked at these advertisements, Mr. President, you would think that neutrality is some newfangled idea that threatens the Internet. Net neutrality is what we have today, and the Internet has thrived precisely because it is neutral. It has thrived because consumers, and not some huge phone company or some huge cable company, get to choose what they want to see and how quickly they get to see it.

I want to make it clear that those of us who are fighting to keep the Net neutral, which means that when you go to your browser, you go where you want, when you want, how you want, after you pay that initial access charge, are not interested in regulating anything. The people who want to make the changes, the big telecom and cable lobbies, are the ones who want to meddle with the Internet. They want to put their hands on the Internet so they can heap all these extra charges on the American people.

Right now there is a small business, a craft maker, in Tigard, OR, who has a Web site where she sells her products all over the world. If these big lobbies have their way, she will have to pay a new hefty fee so customers can continue to have the same access to her Web site. That is not right. The consumer, after they pay that initial access charge, ought to be able to go where they want, when they want, how they want to get there. To make them pay tomorrow for what they get for free today is wrong.

Colleagues are waiting to speak. I had anticipated spending a bit more time on this, but I think this ad says it all. We ought to keep the Internet free

of discrimination. We ought to protect consumers against multiple and discriminatory access charges. The next time somebody sees one of these ads, ads that seem to have millions of dollars of lobby money backing them up, they ought to know that this which purports to represent my legislation is false. What is in this ad suggests scores and scores of pages. The reality is my bill to keep the Internet free of discrimination and protect the consumer is 15 pages long.

This argument at the top of the ad that there will be a host of Net-neutrality regulations is similarly false. It is not about regulating anything on the Internet. I want to keep the Internet the way it is—an open, vibrant system, accessible to all.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). Who yields time?

The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to speak to the nominations before us. I appreciate my distinguished colleague and friend from Oregon relinquishing the floor. He is very passionate and such a wonderful leader on so many topics. I appreciate his good work.

I rise today to support the nominations of Judge Sean Cox and Judge Thomas Ludington to the U.S. District Court for the Eastern District of Michigan. Both nominees will bring distinguished legal careers and judicial experience to the Federal bench.

Judge Sean Cox has served as a Circuit Court Judge for the Third Circuit of Michigan since 1996. He is a graduate of the Detroit College of Law at the University of Michigan and has over 12 years of private practice experience.

Judge Thomas Ludington has served on the 42nd Circuit Court for Midland County since 1995. He has served as chief judge of this court for the past 6 years.

Judge Ludington is a graduate of the University of San Diego School of Law and Albion College. After graduating from law school, Judge Ludington worked at Currie and Kendall law firm for 14 years. He also served as president of the firm before he left to join the Michigan circuit bench.

I thank Senator SPECTER and Senator LEAHY for working with me and Senator LEVIN to bring these two truly qualified nominees to the floor of the Senate. I look forward to continuing to work with them on issues related to the Michigan District Court and the Sixth Circuit Court of Appeals. I urge my colleagues to join with us in strongly supporting the nominations and confirming Judge Cox and Judge Ludington.

Mr. President, I ask unanimous consent that the votes on the confirmation of judges begin at 2 p.m. today; provided further, that all the votes in the sequence after the first be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, the question is, Will the Senate advise and consent to the nomination of Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey?

Ms. STABENOW. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on all four of the nominees.

The PRESIDING OFFICER. Is there objection?

Ms. STABENOW. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, I wish to speak briefly—for less than 2 minutes—on the four nominees. They have been cleared by the Judiciary Committee, and I ask unanimous consent that their résumés be printed in the RECORD. They are all well qualified, and I urge my colleagues to confirm them.

NOEL L. HILLMAN

NOMINEE, U.S. DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Birth: 1956; Red Bank, New Jersey.

Legal Residence: Virginia.

Education: 1978–1981; Monmouth College, B.A. degree. 1981–1985; Seton Hall University School of Law, J.D. degree. 1985–1998; New York University School of Law, L.L.M. degree.

Bar Admittance: 1986; New Jersey. 1990; New York.

Experience: 1992–present; U.S. Department of Justice. 2003–2006; Public Integrity Section, Senior Counsel to the Assistant Attorney General; Chief. 2002–2003; Acting Chief. 2001–2002; Principal Deputy Chief. 2000–2001; Criminal Division, United States Attorney's Office, District of New Jersey Deputy Chief. 1999–2000; Campaign Finance Task Force Trial Attorney. 1992–2001; United States Attorney's Office, District of New Jersey, Assistant U.S. Attorney. 1988–1992; Lord Day & Lord Associate. 1986–1988; U.S. District Judge Maryanne Trump Barry, Law Clerk. 1986; Hillman & Sullivan, Associate.

PETER G. SHERIDAN

Birth: April 21, 1950; Cambridge, Massachusetts.

Legal Residence: New Jersey.

Education: 1968–1972; St. Peter's College B.S. degree. 1974–1977; Seton Hall University School of Law, J.D. degree.

Bar Admittance: 1977; New Jersey. 1980; New York.

Experience: 1977–1978; Law Clerk to the Honorable James J. Petrella, Superior Court of New Jersey, County of Bergen. 1978–1981; Port Authority of New York/New Jersey, Office of New Jersey, Solicitor Attorney. 1981–1984; McCarthy and Schatzman, Associate. 1984–1987; Atlantic City Casino Association, Vice President and General Counsel. 1987–1990; Office of Governor Thomas Kean, Director of Authorities Unit. 1990–1992; Cohen, Shapiro, Polisher, Shiekman, & Cohen, Of Counsel. 1992–1993; Cullen and Dykman. 1994–1995; Partner. 1993–1994; N.J. Republican State Committee, Executive Director. 1995–present; Graham, Curtin & Sheridan, Shareholder/Director.

THOMAS L. LUDINGTON

Birth: December 28, 1953; Midland, Michigan.

Legal Residence: Michigan.

Education: 1972–1976; Albion College, B.A. degree, cum laude. 1977–1979; University of San Diego School of Law, J.D. degree.

Bar Admittance: 1980; Michigan.

Experience: 1980–1994; Currie and Kendall, P.C., Associate/Partner. 1994–Present; 42nd Circuit Court, State of Michigan, Judge (Chief Judge since 1999).

SEAN F. COX

DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

Birth: September 24, 1957; Detroit, Michigan.

Legal Residence: Michigan.

Education: 1975–1979; University of Michigan, B.G.S. degree, 1980–1983; Detroit College of Law, J.D. degree.

Bar Admittance: 1983; Michigan.

Experience: 1983; James Flynn, P.C., Law clerk. 1983–1984; Self-employed. 1984–1989; Kitch, Saurbier, Drutchas, Wagner & Kenney, Associate. 1989–1990; Bloom & Kavanaugh, Associate. 1990–1996; Cummings, McClorey, Davis & Acho, P.C., Partner. 1996–present; Third Judicial Circuit Court, State of Michigan, Circuit Judge.

Mr. SPECTER. We are operating under some time pressures because there are Senators who have other commitments. We wanted to call the vote at 2 o'clock. It is 2:01 now. I believe the unanimous consent request has been made that the votes start immediately and that the subsequent votes be 10 minutes each.

The PRESIDING OFFICER. That is correct.

Mr. SPECTER. Have the yeas and nays been ordered on all of the nominations?

The PRESIDING OFFICER. There is a pending unanimous consent request for the yeas and nays on all four nominees. Is there objection to that request? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

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 Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 166 Ex.]

YEAS—98

Akaka	Bunning	Collins
Alexander	Burns	Conrad
Allard	Burr	Cornyn
Allen	Byrd	Craig
Baucus	Cantwell	Crapo
Bayh	Carper	Dayton
Bennett	Chafee	DeMint
Biden	Chambliss	DeWine
Bingaman	Clinton	Dodd
Bond	Coburn	Dole
Boxer	Cochran	Domenici
Brownback	Coleman	Dorgan

Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Rockefeller Schumer

The nomination was confirmed.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Peter G. Sheridan, of New Jersey, to be United States District Judge for the District of New Jersey? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 167 Ex.]

YEAS—98

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—2

Rockefeller Schumer

The nomination was confirmed.

Mr. LEAHY. Mr. President, I ask unanimous consent the previously ordered rollcalls on the next two nominees be vitiated, they be considered and passed en bloc.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The question is, Will the Senate advise and consent en bloc to the nominations of Thomas L. Ludington, of Michigan, to be United States District Judge for the Eastern District of Michigan and Sean F. Cox, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The nominations were confirmed en bloc.

Mr. LEAHY. Mr. President, today the Senate confirmed four lifetime appointments to U.S. district courts, Noel Hillman and Peter Sheridan, who have been nominated to seats on the U.S. District Court for the District of New Jersey, and Thomas Ludington and Sean Cox, who have been nominated to seats on the U.S. District Court for the Eastern District of Michigan. They are all nominees who have the support of Democratic home State Senators.

I am glad the Republican leadership has taken notice of the fact that, as I discussed earlier this week, these nominees have been ready for action for some time, since being reported unanimously last month. I also look forward to working with the Republican leadership to schedule debate and consideration of Sandra Segal Ikuta, who has been nominated to a seat on the U.S. Court of Appeals for the Ninth Circuit, and Andrew Guilford to be a district judge for the Central District of California who also have the support of Democratic home State Senators and could also be easily confirmed. When they are considered, and I hope the Republican leadership will agree to do that next week and not delay, we will have confirmed 250 of President Bush's nominees to lifetime appointments on the Federal courts.

As I noted earlier this week, the nominees we are considering today could have been confirmed earlier if the Republican leadership had chosen to proceed with them instead of pressing forward first with the controversial nomination of Brett Kavanaugh and the divisive debate over a constitutional amendment that had no chance of passing. I do commend the Republican Senate leadership for wisely passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith to turn to these nominations today. In the course of an hour or two this week, the Senate will confirm five lifetime appointments to the Federal courts. Debate on those flawed nominations will take much longer. The Republican leadership is right to have avoided such controversial nominations that were only reported on a party-line vote.

During the 17 months I was chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After today, in the last 17 months under Republican control, the Senate will have confirmed 43.

Regrettably, rather than fill judicial vacancies with qualified nominees, the Republican leadership seems all too often more focused on picking fights. Last month, they forced debate on the controversial nomination of a White House insider selected for a lifetime position on the DC Circuit as a reward for his loyalty to President Bush. I did not support confirmation of Brett Kavanaugh. That was the fight the Republican leader had promised the narrow special interest groups of the rightwing of his party.

The President and Senate Republican leadership continue to pick fights over judicial nominations rather than focus on filing vacancies. This is part of their partisan effort to agitate conservative voters, no doubt. They are willing to play politics with the Constitution and with the courts. They treat the Constitution as a billboard for campaign posters and political ads.

Judicial vacancies have now grown to nearly 50 from the lowest vacancy rate in decades. More than half these vacancies are without a nominee. The Congressional Research Service has recently released a study showing that this President has been the slowest in decades to make circuit court nominations and the Republican Senate among the slowest to act. If they would concentrate on the needs of the courts, our Federal justice system, and the needs of the American people, we would be much further along.

This week we passed a milestone, confirming the 17th judicial nominee this session. That was the total number of judges confirmed in the 1996 congressional session, when Republicans controlled the Senate and stalled the nominations of President Clinton. In the 1996 session, however, Republicans would not confirm a single appellate court judge. All 17 confirmations were district court nominees. That is the only session I can remember in which the Senate has simply refused to consider a single appellate court nomination. That was part of their pocket-filibuster strategy to stall and maintain vacancies so that a Republican President could pack the courts and tilt them decidedly to the right. In the important DC Circuit, the confirmation of Brett Kavanaugh was the culmination of the Republicans' decade-long attempt to pack the DC Circuit that began with the stalling of Merrick Garland's nomination in 1996 and continued with the blocking of President Clinton's other well-qualified nominees, Elena Kagan and Allen Snyder.

If the Republican leadership will work with us to schedule Sandra Segal Ikuta's nomination for consideration and a vote, we are likely to add another circuit court confirmation to that total. I only wish President Clinton's nominees had received the same treatment.

The road ahead is likely to be rocky. In the runup to the Kavanaugh nomination debate, we saw that the Senate Republican leadership is apparently

heeding the advice of The Wall Street Journal editorial page, which wrote, ''[a] filibuster fight would be exactly the sort of political battle Republicans need to energize conservative voters after their recent months of despond.'' Rich Lowery, editor of the conservative National Review, listed a fight over judges as one of the ways President Bush could revive his political fortunes, writing that he should, ''[p]ush for the confirmation of his circuit judges that are pending. Talk about them by name. The G.O.P. wins judiciary fights.''

Republican Senators are relishing picking fights over controversial judicial nominees. Senator THUNE has said, ''A good fight on judges does nothing but energize our base . . . . Right now our folks are feeling a little flat.'' Senator CORNYN has said, ''I think this is excellent timing. From a political standpoint, when we talk about judges, we win.'' On May 8, 2006, The New York Times reported: ''Republicans are itching for a good election-year fight. Now they are about to get one: a reprise of last year's Senate showdown over judges.'' The Washington Post reported on May 10: ''Republicans had revived debate on Kavanaugh and another Bush appellate nominee, Terrence Boyle, in hopes of changing the pre-election subject from Iraq, high gasoline prices and bribery scandals.''

We should not stand idly by as Republicans choose to use lifetime Federal judgeships for partisan political advantage. In a May 11, 2006, editorial The Tennessean wrote:

> [T]he nation should look with complete dismay at the blatantly political angle on nominations being advocated by Senate Republicans now. . . . Republicans are girding for a fight on judicial nominees for no reason other than to be girding for a fight. They have admitted as much in public comments. . . . In other words, picking a public fight over judicial nominees is, in their minds, the right thing to do because it's the politically right thing to do. . . . Now, Republicans are advocating a brawl for openly political purposes. The appointment of judges deserves far more respect than to be an admitted election-year ploy. . . . It should be beneath the Senate to have such a serious matter subjected to nothing but a tool for political gain.

On May 3, 2006, The New York Times wrote in an editorial: ''The Republicans have long used judicial nominations as a way of placating the far right of their party, and it appears that with President Bush sinking in the polls, they now want to offer up some new appeals court judges to their conservative base.''

Consider the President's nomination of Judge Terrence Boyle to the Fourth Circuit. We have learned from recent news reports that, as a sitting U.S. district judge and while a circuit court nominee, Judge Boyle ruled on multiple cases involving corporations in which he held investments. In at least one instance, he is alleged to have bought General Electric stock while presiding over a lawsuit in which General Electric was accused of illegally denying disability benefits to a longtime employee. Two months later, he ruled in favor of GE and denied the employee's claim for long-term and pension disability benefits. Whether or not it turns out that Judge Boyle broke Federal law or canons of judicial ethics, these types of conflicts of interest have no place on the Federal bench. Certainly, they should not be rewarded with a promotion to the Fourth Circuit. Certainly, they should be investigated.

The President should heed the call of North Carolina Police Benevolent Association, the North Carolina Troopers' Association, the Police Benevolent Associations from South Carolina and Virginia, the National Association of Police Organizations, the Professional Fire Fighters and Paramedics of North Carolina, as well as the advice of Senator SALAZAR and former Senator John Edwards, and withdraw his ill-advised nomination of Judge Terrence Boyle. Law enforcement from North Carolina and law enforcement from across the country oppose the nomination. Civil rights groups oppose the nomination. Those knowledgeable and respectful of judicial ethics oppose this nomination. This nomination has been pending on the calendar in the Republican-controlled Senate since June of last year when it was forced out of the committee on a party-line vote. It should be withdrawn.

Also on the calendar is the nomination of William Myers to the Ninth Circuit. This is another administration insider and lobbyist whose record has made him extremely controversial. I opposed this nomination when it was considered by the Judiciary Committee in March 2005. He was a nominee who the so-called Gang of 14 expressly listed as someone for whom they made no commitment to vote for cloture, and with good reason. His antienvironmental record is reason enough to oppose his confirmation. His lack of independence is another. If anyone sought to proceed to this nomination, there would be a need to explore his connections with the lobbying scandals associated with the Interior Department and Jack Abramoff. This nomination should also be withdrawn.

A few months ago, the President withdrew the nomination of Judge James Payne to the Court of Appeals for the tenth Circuit after information became public about that nominee's rulings in a number of cases in which he appears, like Judge Boyle, to have had conflicts of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA but by journalists.

Judge Payne joins a long list of nominations by this President that have been withdrawn. Among the more well known are Bernard Kerik to head the Department of Homeland Security and Harriet Miers to the Supreme Court. It was, as I recall, reporting in a national magazine that doomed the Kerik nomination. It was opposition within the President's own party that doomed the Miers nomination.

During the last few months, President Bush also withdrew the nominations of Judge Henry Saad to the Court of Appeals for the sixth Circuit and Judge Daniel P. Ryan to the Eastern District of Michigan after his ABA rating was downgraded.

It is not as if we have not been victimized before by the White House's poor vetting of important nominations. If the White House had its way, we would already have confirmed Claude Allen to the Fourth Circuit. He is the Bush administration insider who recently resigned his position as a top domestic policy adviser to the President. Ultimately we learned why he resigned when he was arrested for fraudulent conduct over an extended period of time. Had we Democrats not objected to the White House attempt to shift a circuit judgeship from Maryland to Virginia, someone now the subject of a criminal prosecution for the equivalent of stealing from retail stores would be a sitting judge on the Fourth Circuit confirmed with a Republican rubberstamp.

Yet another controversial pending nomination is that of Norman Randy Smith to the Ninth Circuit. This nomination is another occasion on which this President is seeking to steal a circuit court seat from one State and reassign it to another one, one with Republican Senators. That is wrong. I support Senators FEINSTEIN and BOXER in their opposition to this tactic. I have suggested a way to resolve two difficult situations if the President were to renominate Mr. Smith to fill the Idaho vacancy on the Ninth Circuit instead of a vacancy for a California seat. Regrettably, the White House has not followed up on my suggestion.

A complicit Republican-controlled Senate remains all too eager to act as a rubberstamp for the Bush-Cheney administration. The nomination of Mr. Kavanaugh was one of the few to be downgraded by the ABA upon further review. Until the Republican-controlled Senate proceeded to confirm this White House insider, I cannot recall anyone being confirmed after such a development—another first, and another problematic confirmation that ill serves the American people.

Another troubling nomination is that of William James Haynes to the Fourth Circuit, which has been pending in the Republican-controlled Senate without action for 3 years. Mr. Haynes is the general counsel at the Defense Department and was deeply involved developing the torture policies, detention and interrogation policies, military tribunals, and other controversial aspects of the manner in which this administration has proceeded unilaterally to make mistakes and exceed its legal authority. Concerns about the Haynes nomination may not be confined to Democratic Senators, according to recent press reports.

I trust that the Senate will not repeat the mistake it made before. It was

only after Jay Bybee was confirmed to a lifetime appointment to the Ninth Circuit that we learned of his involvement with the infamous Bybee memo seeking to justify torture and degrading treatment. I had asked him what he had worked on while head of the Department of Justice's Office of Legal Counsel, but he had refused to respond. This former Defense Department and Justice Department insider now sits on the Ninth Circuit for life.

Finally, there is the more recent nomination of Michael Wallace to a vacancy on the Fifth Circuit. Mr. Wallace received the first ABA rating of unanimously ''not qualified'' that I have seen for a circuit court nominee since President Reagan. Yet that is one of the controversial nominations we can expect the Republican Senate to target for action given their track record.

One of the most important checks and balances to unprecedented overreaching by the Bush-Cheney executive branch is an independent judiciary. I have sought to expedite consideration of qualified, consensus nominees and urged the President to work with us to make selections that unite all Americans. When the White House fails to make those kinds of selections, I hope that the Republican-controlled Senate will stop rubberstamping them and stop using controversial judicial nominations to score partisan political points. Our courts are too important. The rights and liberties of the American people are too important. The courts are the only check and balance left to protect the American people and provide some oversight of the actions of this President.

SUSAN C. SCHWAB TO BE UNITED STATES TRADE REPRESENTATIVE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary.

The PRESIDING OFFICER. Debate on this nomination shall be as follows: Senator DORGAN for 30 minutes, Senator CONRAD 15 minutes, Senator BAUCUS, 10 minutes, Senator GRASSLEY, 30 minutes.

The Senator from North Dakota is recognized.

Mr. DORGAN. I ask unanimous consent the Senator from Iowa be recognized. I believe the Senator from Alabama wishes to be recognized. I am happy to proceed following those two.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I strongly support the nomination of Susan Schwab to serve as U.S. Trade Representative.

It is almost 7 months to the day since the Senate unanimously confirmed Ambassador Schwab to be Deputy U.S. Trade Representative.

During her service in that position, Ambassador Schwab has amply demonstrated her qualifications to take over as our next trade representative.

She successfully concluded negotiations of trade agreements with Peru and Columbia and has been actively engaged in the ongoing negotiations of the Doha Development Round of the World Trade Organization.

Given her strong background in trade policy, it is not surprising, then, that Ambassador Schwab has served so well in her current position.

Ambassador Schwab formally served as Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service. That is an agency within the Department of Commerce with people on the ground in foreign countries pushing for the interest of U.S. businesses.

She, herself, worked abroad to advance U.S. trade objectives while serving as a trade policy officer in the U.S. embassy in Tokyo.

Her first job in Washington was as an agricultural trade negotiator for the Office of U.S. Trade Representative. Ambassador Schwab thus knows full well the importance and the challenge of advancing the trade interests of U.S. family farmers.

Ambassador Schwab also has extensive experience working for the Congress of the United States, the very committee that I chair. She spent 8 years during the 1980s as a trade policy specialist and then as legislative director for then-Senator Danforth at a time when he chaired the trade subcommittee of this Committee on Finance.

Ambassador Schwab is well aware of the important role Congress plays in U.S. trade policy. I look forward to working closely with her in advancing U.S. trade objectives.

In addition, Ambassador Schwab has experience working on trade issues also in the private sector. At one point, she was director of corporate business development for Motorola. In that position, she engaged in strategic planning on behalf of Motorola in the continent of Asia.

More recently, she served as dean of the University of Maryland School of Public Policy. That was from 1995 through the year 2003, and then as president and CEO of the University System of the Maryland Foundation, as well as serving as vice chancellor for advancement.

Her academic and private-sector experiences complement her strong background in Government service. She is well rounded, in other words. Given the major challenges we face in advancing a robust trade agenda, it is especially important we have someone of Ambassador Schwab's caliber serving as U.S. Trade Representative dealing with 149 countries that are members of the World Trade Organization.

We need to achieve substantial progress in Doha Round negotiations, and soon, if we are going to succeed in getting an agreement before trade promotion authority for the President of the United States expires next year. We still have a long way to go on those negotiations to reach an ambitious outcome that would be acceptable to me as chairman of the committee, but I think I can speak for the entire Congress on that point.

We are also in the process of negotiating free trade agreements with a number of important trading partners, including South Korea and Malaysia. These are going to represent terrific challenges. These are going to represent yet new challenges for her, particularly in addressing regulatory and other nontariff barriers to trade.

It is essential our bilateral negotiations with South Korea, Malaysia, and other nations conclude in time to be considered under trade promotion authority which expires July next year.

In addition, it is important our next trade representative continue to encourage meaningful regulatory reform in other major trading partners, especially Japan and China.

I expect Ambassador Schwab to continue to push our trading partners to come into compliance with their existing trade obligations such as and not limited to these: Mexico's obligation under NAFTA and the World Trade Organization regarding the importation of U.S. agricultural products and China's obligations to protect intellectual property rights.

Separately, I expect any bilateral agreement on Russia's access to the World Trade Organization will be concluded on strong, commercially meaningful terms and will not be rushed to meet some artificial deadline. Russia must demonstrate its willingness, its ability, and its commitment to abide by World Trade Organization rules.

It is important we remind ourselves of the tremendous benefits we derive from open international trade because too often we hear criticism of our trading regimes. As an example, on average, over the past decade, our economy has created a net of 2 million jobs each year. In 2005, our unemployment rate dropped to 4.7 percent, which is well below the averages of the 1970s, 1980s and 1990s.

An important part of our economic success is due to our trade. During the last decades, our exports have accounted for about one-quarter of U.S. economic growth. Jobs created by exports are estimated to pay 13 to 18 percent more on average compared to jobs unrelated to exports.

With respect to agriculture, approximately one-third of the acres planted in the United States are exported. Our service sector, which accounts for almost 70 percent of the U.S. economy, is anxious to break down barriers to our exports of services around the world.

Today our services exports account for a little more than a quarter of the total U.S. exports of goods and services, so breaking down barriers to our

services exports would go a long way toward helping us improve our trade deficit.

Therefore, we in the Congress need to recommit ourselves to securing improved market access for our exporters, both in the Doha Round negotiations and by means of bilateral and regional trade agreements.

I am confident Ambassador Schwab will effectively meet each of the many challenges she will face as our next trade representative. Her experience and her skills make it quite evident she is the right person for the job. I urge my colleagues to join me in supporting her nomination. Once confirmed, I look forward to working with her to advance an ambitious trade agenda and would expect her to consult under the law trade promotion authority with our committees when we ask her to and when she thinks it is necessary for her to make advances to us on that sort of communication because consultation between us prior to a negotiation being signed is the basis for the success and the opportunity to get such an agreement through the Congress.

Mr. SHELBY. Would the Senator from Iowa let me speak for 2 or 3 minutes as in morning business?

I support the nominee. There is no objection by Senator DORGAN.

Mr. GRASSLEY. The Senator can have whatever time he desires.

The PRESIDING OFFICER. The Senator from Alabama.

(The remarks of Mr. SHELBY are printed in today's RECORD under ''Morning Business.'')

Mr. SHELBY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, what now is the business before the body?

The PRESIDING OFFICER. The Schwab nomination.

Mr. CONRAD. I thank the Chair.

Let me indicate as a member of the Finance Committee that we had hearings on the Schwab nomination. Let me stipulate that she is well qualified for the position. She is a lovely person, well educated and well trained. With all that said, after her testimony before the Finance Committee, I decided reluctantly that I would oppose her nomination. I want to share very briefly with the Members why I made that judgment.

When Ms. Schwab came before the Finance Committee, I put up a chart showing what has happened to the trade deficit of the United States. The trade deficit soared to over $700 billion last year. I had another chart that showed what has happened to the trade deficit with Mexico since the NAFTA agreement. Before the NAFTA agreement, we had a trade surplus with Mexico of several billion dollars. Now we have a massive trade deficit with Mexico.

I asked Ms. Schwab: Is this a successful trade policy?

Her answer was: Yes.

I told her: If this is a success, I would hate to see a failure. Because this trade policy is proving to be a disaster for the financial health of the United States. We are spending $700 billion a year more in purchases than we are in sales. A country cannot do that for very long.

Then I asked her about agricultural trade policy. I asked her about the strategy of our trade ambassador going into the trade talks and making unilateral concessions, offering to cut support for our producers by 60 percent on the notion that then the other side would make concessions to us. I told her this is the strangest way to negotiate that I have ever seen. Unilateral concessions on the hope that the other side will follow suit—who has ever seen that in a negotiation? That is like going to the car dealership and agreeing to pay the sticker price. Why would you ever do that?

Ms. Schwab told me this is actually a smart trade tactic, a negotiating tactic, that you make big concessions on the front end and then you get tougher at the end. I don't think that is smart. I think it is a disaster. We are in a circumstance in which the Europeans provide five times as much support for their producers as we provide for ours. They account for more than 90 percent of the export subsidy in the world. We are about 1 or 2 percent. So they have us outgunned there 70 or 80 to 1.

Our idea of a negotiation is to make major unilateral concessions and then hope the other side gives in. What happened with this strategy? Did Europe then follow and make major concessions in response to ours? No. They made none.

I fear we are pursuing a trade agenda that is simply not working. I would present as exhibit No. 1 record trade deficits, the biggest in our history and growing dramatically.

Exhibit No. 2, NAFTA: We signed on to the NAFTA agreement. Our leadership told us this was going to be a great success. At the time we had a positive trade balance with Mexico. Now our trade deficit is measured in the tens of billions of dollars a year. This is a trade policy that is not working.

I cannot support as our trade ambassador somebody who clearly believes that is a success. How could anyone define this as a success?

I have reluctantly concluded that if we were to have a vote, and apparently this will be on a voice vote, I want it clearly recorded that I would vote ''no.''

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I understand there is an order with respect to my presentation on this matter.

The PRESIDING OFFICER. The Senator has been allocated 30 minutes.

Mr. DORGAN. Mr. President, this reminds me of Madam Tussaud's wax museum. It looks like there are people here, except there is no movement. Month after month after month, we hear the results of unbelievably bad trade agreements that pull the rug out from under our workers and farmers, pulling the rug out from under our economy, ringing up the highest trade deficits in the our history, shipping American jobs overseas, even as we import cheap labor through the backdoor, and no one says a thing. No one does a thing. We today have a proposal before us to approve the nomination of a new U.S. trade ambassador. For what purpose?

Let me describe what is happening with our trade deficit. This is the trade deficit from the most recent year going back to 1995. We are hemorrhaging in red ink.

These are the largest trade deficits in the history of humankind, by far, not even close with any other country. What does this mean? This means that we are selling part of our country every day to those who live outside of our country. It is called the selling of America.

We seem to think that it is all right to have a trade deficit of $2 billion a day. That means that we import products more than we export to the rest of the world, and we pay for those imports with our currency or debt instruments. The result is at the moment the bank of Korea holds $200 billion of our currency; the Chinese, $750 billion; the Japanese, $800 billion; the Taiwanese, $250 billion. We are literally selling our country with these trade deficits every day.

Trade deficits are not just about selling America piece by piece. It is about shipping American jobs overseas and undercutting American workers all at the same time.

Winston Churchill said: The further backward you look, the further forward you can see. So I will look back a little bit. It is surprising to me that we have the nomination of a trade ambassador on the floor of the Senate and no real discussion, save that of my colleague, Senator CONRAD, about the merits of where we are headed. This country is dangerously off-track with wildly inflated and mushroomed trade deficits. It is getting worse, much worse, not better. Yet there is not a whimper here in the Congress about it.

Part of the reason is that the folks who work here are not going to have their jobs outsourced. No one wearing a blue suit and suspenders who hangs around here is going to have their job sent to China. If that were the case, we would have a change in trade policy immediately. But nobody loses their job here. For that matter, no journalist loses their job. That is why all you

read, for example, in most of these major newspapers in support of this trade policy that, as we can see from this chart, is a massive failure. Just take a look at a portion of it. Two hundred billion of that $700 billion is with China alone. You can take a look at what is happening there, dramatic growth.

Here is the trade strategy we are currently working under: exporting good American jobs and importing cheap labor. We just finished importing cheap labor with the immigration bill 2 weeks ago. I didn't support that. I voted against that. I voted against the trade agreements that have allowed us to export good jobs.

I have gone through at great length in the Senate a range of issues. Let me use a couple to describe what has happened and what our trade agreements are about.

We are now negotiating a trade agreement with Korea. Let me talk about automobile trade with Korea. See if anybody cares about that, see maybe if this new trade ambassador would care about that. Last year we got 730,863 cars coming in on ships from Korea. They loaded all the Korean cars on ships, sailed across the ocean and offloaded 730,000 Korean cars in the United States.

Guess how many American cars we were able to sell in Korea. Seven hundred thirty thousand? No. Four thousand two hundred. Ninety-nine percent of the automobiles on the streets in Korea are produced in Korea. Why? They don't want American vehicles to be allowed into their market. They want to send their vehicles here for sale, but they don't want our vehicles sold in Korea.

This imbalance exists. Does anybody care about it? It doesn't mean a thing to most people. What it means to a lot of families is they have lost their jobs. United Auto Workers have lost their jobs. But nobody cares much about that because nobody in this Chamber is going to lose their job because of this imbalance in automobile trade.

Japan: 95 percent of the cars driving in the streets of Japan are produced in Japan. Why don't we export more cars to Japan? They don't want them. They, like China and many other parts of the world, including Korea, want to exercise their right to send their products to the American marketplace, but they sure don't want to have their marketplace wide open to that which is produced by American workers. That is the last thing they want.

Let me go back a few decades to 1970 or so. The largest American corporation was General Motors. In most cases people who went to work for GM worked there for a lifetime. That was their job. They were going to retire there and did. They worked there for a lifetime, got good pay, good benefits, good retirement. Now, 30 years later, the largest corporation in America is Wal-Mart. Average salary, according to published reports, is about $18,000 or $19,000 a year.

A substantial portion of their employees have no benefits. Of those eligible for health care benefits, they pay double the amount that most employees of corporations would pay for health care. Many of those who do have full-time jobs at low salaries cannot afford the benefits that are offered. So have we made progress in these 30 years?

By the way, with respect to Wal-Mart, 70 percent of the products on their shelves is from China. Wal-Mart's pressure will lead their to close their American operations and move them to China. The only way to sell it the way the we want to is have it produced in China, where you can pay a worker 33 cents an hour.

I read a month or so ago that China has finally purchased Whammo Corporation. There are a lot of companies moving, deciding they cannot afford to produce in America anymore. They don't want to pay U.S. workers decent wages. They want to produce in China for 33 cents an hour, where you don't have to worry about health care and retirement. We have seen 4 million to 5 million American jobs gone from our country.

I noticed in the newspaper that Chinese purchased Whammo Corporation—Frisbee, Hula Hoop, Slip 'N Slide. It is sort of the hood ornament on what is wrong with our trade. So Whammo is gone. What about the steelworker in America or the textile worker in America or the metal fabricator in America or the family farmer or the software engineer—their jobs are gone in increasing numbers.

Alan Blinder, the former vice chairman of the Federal Reserve Board, said recently in a Foreign Affairs article that there are roughly are 42 million to 56 million jobs in America that are subject to being outsourced to other countries—China, Indonesia, Sri Lanka, Bangladesh, and more.

American companies have discovered that this large planet has a billion to a billion and a half people, and perhaps more, where if you move the technology and capital, you can employ people in other parts of the world for pennies. You can hire kids, you can work 12-year-olds 12 hours a day and pay them 12 cents an hour. You can ship the product to Toledo, Fargo, Los Angeles, or Lansing, MI, and say to the American producer and business and worker: Compete with that. The fact is, you cannot compete with that, and you should not be asked to compete with that.

We fought for a century in this country for the standards of production that have made this a great place and allowed us to expand the middle class. I have spoken before about James Fyler, who died of lead poisoning; he was shot 54 times. Earlier in this century, he and others were standing up for the right of people to organize, for workers to be able to organize. We finally became a country in which workers can organize without having to go to prison, like they do in China. I have the names of people sitting in prison in China because they wanted to organize workers for a fair deal. We signed the Fair Labor Standards Act in this country and established a minimum wage and gave people the right to organize. We did a whole series of things—child labor laws—that have established the conditions of production, that produced a burgeoning middle class and the strongest economy the world has ever known. Now it is systematically being taken apart. I know it is hard to see day by day, but you watch what is happening in this country to the good jobs, the jobs with security that pay well, with benefits. One by one, 1,000 by 1,000 and, yes, a million by a million, they are leaving this country.

No, it is not just the bottom rung of the economic ladder; it is also engineers, software producers, and others. Nobody here seems to care very much. This Congress certainly doesn't. This Congress supports all that. This Congress supports giving a tax break to companies that ship their jobs overseas. Show me a company that fires all the American workers and ships their jobs to China, and I will tell you that this Congress supports giving that company a tax break—$1.2 billion a year our current Tax Code spends in tax cuts to companies that ship their American jobs overseas. It is unbelievable.

I have offered four amendments in this Senate to shut that perverse tax break down and I have lost four times. In 2005, Bo Anderson, one of the top executives at General Motors dealing with parts and supplies, called 380 parts and suppliers together; he called the executives of the parts suppliers to a meeting. He said to them that you need to be building your automobile parts in China to reduce the cost. In other words, move those jobs offshore, get rid of those American workers. Delphi, which used to be the largest General Motors parts supplier, were paying workers $26 to $30 an hour with benefits. Well, that is over. They are in bankruptcy and, of course, it is blamed on the workers. Nobody talked about the executives and what role they might have had. They want to outsource the jobs, and for the jobs they would keep here, they want to pay $8 to $10 an hour. I am wondering how you create a country with a growing middle class and a consumer ability to make purchases in this country if jobs are going elsewhere in search of pennies an hour. IBM laid off 13,000 people; they are going to ship the jobs to India. They said to workers, by the way: This is not a comment on the excellent work you have done. See you later. Your job is gone.

The question is, What are we building and what does all this mean? The reason I mention all of this is that all of it comes from trade agreements. We have all of these trade agreements, and one is NAFTA with Mexico. We turned

a small trade surplus into a giant deficit with Mexico. It is pretty unbelievable when you think about it. My colleague says that the current nominee believes that the trade agreement with Mexico is a huge success. She has not lost her job to outsourcing either. But it is not a success by any standard. The trade deficit with Mexico and with Canada and with Europe, with Japan, Korea, and China—it is a disaster. Nobody seems to care much.

Now, I want to talk a little about this notion of free trade. It sounds like such a wonderful term, ''free trade.'' Freedom. Free trade means that you want to substitute that which we have fought for and built, that which people have died for, that which people have debated for a long time—what are the standards of production? What is being an American all about? What is protecting children? What is a fair wage? What is a safe workplace? What is the right to organize worth? It is trading that in and saying none of that matters. The largest corporations can pole-vault over all of it and move their factory to China. We are taking apart that which we built for a century. That is what the trade agreements are doing. I have shown you the red ink. So the trade agreements are an abysmal failure.

I would like to speak now about something that we learned very recently, involving sweatshops in the country of Jordan.

At the outset, let me say that the trade agreement with Jordan was slightly better than all the others. I give credit to President Clinton because they negotiated a free trade agreement with Jordan that had standards with respect to workers' rights, for a change. So it was a step forward—not a giant step but a step in the right direction.

What has happened to trade with Jordan since that time? The New York Times has written an article based on some work by the National Labor Committee. They have done terrific work investigating what is going on in Jordan. Remember, this was supposed to have created the gold standard for labor protection for workers, signed in 1999. But what happened since then is that Jordan has flown in so-called guest workers from countries such as Bangladesh and China to make products in Jordan for export to this country. So we see products in stores such as Wal-Mart, Target, and others, that have now, we know, come from sweatshops in Jordan under our free trade agreement.

Here is how the New York Times describes these sweat shops:

> Propelled by a free trade agreement with the U.S., apparel manufacturing is booming in Jordan. Exports to America are soaring twentyfold in the last 5 years. But some foreign workers in Jordanian factories that produce garments for Target, Wal-Mart, and others are complaining of dismal conditions—of 20-hour days, of not being paid for months and months, of being hit by supervisors and of being jailed when they complain.

These factories in Jordan are flying in planeloads of workers from the poorest countries, such as Bangladesh, to work in slavelike conditions. They also ship in Chinese materials—textiles in this case—to those manufacturers. What you end up with are Bangladesh workers working up to 120 hours a week in sweatshops in Jordan piecing together Chinese materials to be shipped into the United States under free trade agreements to be sold in a Wal-Mart or a Target.

Is that what free trade agreements are supposed to be about? I don't think so.

The workers at these Jordanian sweatshops testified they were forced to work far below minimum wages, promised $120 a month, but in many cases they were not paid at all. One worker paid $50 for 5 months of work. It is unbelievable to see what is going on.

Then when this is exposed in the New York Times, you hear people say: Well, we had no idea this was going on. It is kind of akin to the French police chief in the movie Casablanca, he was shocked to find that there was gambling taking place in Rick's Café. Nobody ought to be shocked by this. This is what is going on in the world.

I am going to introduce legislation at the end of my presentation today dealing with these issues of sweatshops and how we try to respond to them. My legislation will establish substantial civil penalties for the import of sweatshop goods. When sweatshop factories abuse workers for profit, the best way to attack the problem is to take that profit away. If the Federal Trade Commission determined that an overseas factory was producing sweatshop labor, it would issue an order prohibiting importation from that factory. Violation would carry a civil penalty, and each separate violation would be a separate offense. Also, my bill would allow U.S. retailers the right to sue their competitors in U.S. courts if their competitors are sourcing their merchandise from these sweatshop factories.

I feel strongly that as we come to talk about trade today and the nomination of a new trade ambassador, we ought to talk about what is going on in the real world. I have described previously so many stories. I was going to talk about Maytag—you know, the repairman who has nothing to do, and part of that is because Maytag is moving its jobs overseas these days.

Here are the dancing grapes in this picture. I love the dancing grapes from Fruit of the Loom. They make shorts and T-shirts that are all over America, and they have these people dressed up as grapes. Who on Earth would dress up as a grape? I guess a job is a job. Who is dancing in grape suits these days? That is the way they advertise this American underwear. Guess what. It may still be all-American underwear, but it is not made here anymore. They danced right out of this country. Fruit of the Loom is gone to Mexico. And it is not just Fruit of the Loom. The best example I know is Huffy bicycles. They are now a Chinese company. They got rid of all their Ohio workers; they fired them because they made too much money, $11 an hour. They have now become a Chinese company. You can still buy them here, and they produce a product they call all-American. It is just that they are made in China. I happen to know where. They pay 33 cents an hour there, and all those American workers who lost jobs, who had a long career making these bicycles at the largest bicycle plant in the world, they were told: Your career is over. You make too much money at $11 an hour, so Huffy has gone to China. If you had a Huffy years ago, you noticed there was an American flag decal on the front. That is gone too. Now it is a decal of the globe.

By the way, on the last day of work at Huffy Bicycles, when their jobs left for China, I was told that when the workers left the parking lot, as they drove out of the lot, they left a pair of empty shoes in the space where their car was. It was a way of saying to the company that you can move our jobs to China, but you are not going to be able to fill our shoes. That is how much they cared about their jobs.

Little red wagon, Radio Flyer—I bet there is not a kid around who hasn't ridden in that little red wagon. Of course, that was American for a century. Gone to China. The list goes on and on. I could talk for hours about companies.

Levi's. There is not one pair of Levi's made in America. Talk about all-American jeans—there is not one pair of Levi's made in America. If you wear Tony Lama boots, you might be wearing boots made in China, by the way. The list goes on and on.

The question for this nominee for the U.S. Trade Ambassador's job is, Do you care whether these jobs are gone from our country? Do you care whether Americans are now asked to compete against those in other parts of the world who make 33 cents an hour? Do you care about that? Do you care that our workers are asked to compete against young kids, some of them locked in manufacturing plants, some of them hand-weaving rugs, some of them whose fingertips were scarred by putting sulfur on the fingertips and lighting the sulfur in order to produce a scar so that when they are using the needles on the rug and they stick their fingers, they won't bleed? Do you care about all that?

How about a trade policy that stands up for the interests of our country? Yes, I think we ought to trade. Yes, I think expanded trade is good for our country. But it must be and has to be fair trade. You cannot say to companies: All right, we have decided over a century what the conditions of production are in this country that represent a growing middle class and a growing economy and a humane way to do things. We have decided that, but you

can avoid all of that by just deciding to shut your American manufacturing plant, move the jobs elsewhere, and if somebody messes with you when your plant has moved overseas and they want to organize workers for better wages, you can get the government to throw them in prison. If somebody cares about you putting poisons in the water and the air, pumping effluent and pollution into the water and the air, you don't have to worry about that because you can do that with impunity. When somebody says you can't hire children, you don't have to worry about that because you can put kids in your manufacturing plant. And if somebody says OSHA is going to come, you can say: There ain't no OSHA here; I can do what I want here. And by the way, when I get the product produced, I am shipping it to the United States of America because I have store shelves to fill and I have American customers who want low prices. I know, they are the same customers who are going to drive Korean cars to the store, wear their Italian shoes, wear their Taiwanese shirt, wear their Chinese slacks, and they are going to wonder where all the American jobs went.

I would like to ask one of these days when we have a change in the U.S. trade ambassador's job what they really think success is. Do you really believe this hemorrhaging of red ink, selling America $2 billion a day to foreign governments, foreign enterprises, do you really believe that can continue? It cannot. That just cannot continue.

And, oh, by the way, the strategy I described earlier that I believe doesn't add up for our country is a strategy by which we tell companies: You can export good American jobs, and you can import cheap labor. That was the immigration bill, the last portion—export good jobs, import cheap labor. I am saying that doesn't add up.

At least a portion of that—exporting good jobs and importing cheap labor—is now attended to by a desire to decide that when you export good jobs and import cheap labor, you can run your profits through the Cayman Islands so you don't have to pay taxes in this country.

This little house, I have told my colleagues before, this five-story white house, called the Ugland House on Church Street in the Cayman Islands, is home to 12,748 corporations. That is right. They are not there; it is just a figment of someone's imagination. Lawyers have established this address for 12,748 corporations for one purpose, and that is to avoid paying U.S. taxes. It is unbelievable, if you think about it.

So export your jobs, import your products here, sell them in the United States, and run your income through the Cayman Islands. I am just saying none of this adds up and none of it works.

I agree with my colleague who described a while ago his opposition to this trade ambassador. I don't believe the nominee is unqualified, I just believe there our trade policy is terribly misguided. That is pretty troublesome because I don't think this country will have the kind of economic strength that expands so that our kids have jobs, good jobs that pay well with benefits in the future. I don't think it is going to happen. I wish I were wrong. I don't think I am. Yet all this continues in a giant silence. Nobody seems to care very much.

Let's just continue doing this. We will sell a little bit of America every single day, keep shipping jobs elsewhere, not think much about it because we can buy a cheap product at Wal-Mart, and it will be just fine. Be happy. I am just saying I don't think this adds up for our country's future.

I don't support this nomination because I want a nominee at the U.S. trade ambassador's office who is going to stand up for a trade policy that is fair for this country—fair trade.

A colleague just came into the Chamber who comes from a State that has a lot of ranching. We are not getting beef into Japan at the moment. That is a different story. It is unbelievable with the trade deficit that we can't get beef into Japan. Let's assume that problem was resolved tomorrow. Every pound of beef that would go into Japan would have a 50-percent tariff on it, and that's 16 years after we had a beef agreement with Japan. That is just a tiny little example, beef to Japan. That would be considered a failure by any standard, a 50-percent tariff a decade and a half after the beef agreement.

We blithely go along and say: Be happy, it will be fine, drive to Wal-Mart and pick up an Etch-A-Sketch and be happy. It doesn't matter. This will all work out in the end.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. DORGAN. Mr. President, I ask unanimous consent for 4 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I conclude by describing one of the concerns I have about the silence on these issues. Some long while ago, I was on the floor of the House of Representatives when there was a joint meeting of Congress. A fellow named Lech Walesa was speaking to Congress at a joint meeting.

Lech Walesa told a story—pretty unbelievable—a story, of course, I had known from the history books. He told us this: He said it was Saturday morning in a shipyard in Gdansk, Poland. He had been fired from his job as an electrician from this plant. He went back into the shipyards on Saturday morning to lead a labor strike against the Communist government, believing workers ought to have the right to self-determination. He went back in to lead a strike against the Communist government. They seized him that Saturday morning and brutally beat him, beat him bloody, took him to the edge of a fence that was heightened with barbed wire and threw him over the barbed-wire fence into the dirt on the other side of the fence.

He laid in the dirt face down, bleeding, having been beaten severely. He told us he wondered what he should do next. As he lay there, he decided what to do next. He picked himself up, climbed back over the fence into the shipyard, right back into the same shipyard that morning. Ten years later, this unemployed electrician was identified by the Doorkeeper of the U.S. House of Representatives as the President of the country of Poland—not an intellectual, not a military leader, not a business leader, just an unemployed electrician with the guts to take on the Communist government for a free labor movement.

They called it Solidarity. We all celebrated solidarity. What a wonderful thing it was. We supported Solidarity. He said to us: We didn't have any guns; the Communists had all the guns. We had no bullets; the Communists had all the bullets. We were workers armed with an idea. We were armed only with an idea; that is, people ought to be free to choose their own destiny.

What is the idea here? What is the idea in America by which we fought for 100 years for the basic standards, by which we expanded the middle class, safe workplaces, decent wages, the right to organize? What is that idea, and does it have value now, or have we forgotten that idea and is there someone willing to stand for that idea today?

I hope so. I don't believe we ought to decide that which we created is somehow unworthy as we look to the future of this country, and I believe we ought to continue to build a place that is better for our children. We want a place, all of us want a place we can turn over to our children and grandchildren that is better than the place we inherited. That ought to be the goal.

I don't intend to ask for a recorded vote, but I do not support this nomination only because I think we are headed toward a trade strategy—and we have been in the middle of it for some long while now—that is injuring this country and is going to ship jobs overseas.

As I said when I started, Alan Blinder, a respected Vice Chairman of the Federal Reserve Board, said there are 42 million to 56 million American jobs at this point subject to outsourcing. Those not outsourced are still going to be required to compete with others in the world who make a great deal less money. That is not the way we are going to continue to build the economy we believed we were building for the last century.

I am not suggesting putting walls around our country. I am not a xenophobe. I am not an isolationist. I am not one who believes trade is not worthy. I do. But I think this country

ought to insist and lead in the area of demanding fair trade, demanding trade be fair, standing up for our businesses, standing up for our workers, and saying we insist on and demand fair trade.

Ms. MIKULSKI. Mr. President, I speak today in support of the nomination of Dr. Susan Schwab to be the U.S. Trade Representative. I have known Susan for a long time and have seen her great leadership and vision as dean of the University of Maryland School of Public Policy. As dean, Susan helped the school grow into one of the top public policy programs in the Nation.

I support fair trade, so American workers can compete. Dr. Schwab has demonstrated her commitment to this approach and to ensuring our Nation's economic competitiveness. Our top trade representative needs to be tough, smart, and have experience standing up for American interests. Dr. Schwab clearly fits that bill as well.

Dr. Schwab's qualifications for this position are first-rate. She is a former Foreign Service officer, serving in the U.S. Embassy in Tokyo and as a trade negotiator at the USTR. The experience of serving on the front lines of an office she will now help lead is particularly important. Dr. Schwab also has extensive experience in both the legislative and executive branches of the Federal Government. She was legislative director for Senator John Danforth and served as Assistant Secretary of Commerce and Director-General of the U.S. & Foreign Commercial Service in the first Bush administration.

In addition to her practical experience, Dr. Schwab is accomplished academically. While dean of the Maryland School of Public Policy, she taught a variety of graduate courses on U.S. trade policy and international relations. Dr. Schwab received her Ph.D. in public administration and international business from the George Washington University. She holds a master's in development policy from Stanford University and a bachelor's from Williams College.

I ask my colleagues to join me in supporting this nomination.

Ms. COLLINS. Mr. President, I am pleased to offer my strong support and endorsement of the confirmation of Ambassador Susan Schwab as U.S. Trade Representative. During her long career in public service, Ambassador Schwab has dedicated herself to advocating for the best interests of the United States in the global economy. I was delighted when I learned that the President had nominated her for the position of U.S. Trade Representative, a position for which she is ideally suited.

Throughout the 1980s, Ambassador Schwab was as a trade policy specialist and then legislative director for Senator John C. Danforth, playing a major role in numerous U.S. trade policy initiatives, including landmark trade legislation that Congress enacted in 1984 and 1988. While serving on the staff of Senator William S. Cohen and as staff director of the Subcommittee on Government Oversight, I worked closely with Ambassador Schwab on a number of trade issues affecting Maine and its industries.

In particular, Ambassador Schwab worked with our staff to support Maine's shoe industry and its workers during the industry's massive dislocations in the 1980s. She was instrumental in helping us develop legislation to address the industry's dire situation in those years, including critical improvements to antidumping, countervailing duty, and safeguard provisions. She also worked closely with our staff to improve market access for Maine agricultural goods in foreign markets.

Ambassador Schwab's professional and personal record of service will enable her to effectively represent U.S. interests around the world. She will make an outstanding U.S. Trade Representative.

Mr. BAUCUS. Mr. President, I strongly support the nomination of Susan Schwab to be our next U.S. Trade Representative. I have known and worked with Ambassador Schwab for many years. She has had a stellar career as a trade negotiator, a senior congressional staffer, a businesswoman, and a university administrator and professor.

I recently read a piece about Ambassador Schwab in the Washington Post. That article described her as ''a hard-nosed pragmatist, well versed in arcane trade economics, and a dazzling strategist and negotiator.''

She was described as excelling as ''a strategic thinker and consensus builder . . . able to quickly synthesize the thinking of Congress, the administration and special-interest groups.''

That Washington Post article is 19 years old. It is from July 1987. By that point, Ambassador Schwab had already honed her reputation in the international trade community.

She had already negotiated tricky agriculture agreements in the Tokyo Round. She had already helped draft provisions of U.S. trade law—like Super 301—that became a fixture of U.S. trade policy for the next decade.

She had already attracted both fear and admiration among many of our most recalcitrant trading partners.

Nineteen years later, Ambassador Schwab continues to demonstrate her skill as a seasoned trade negotiator. In her tenure as Deputy U.S. Trade Representative, she has settled one of the most difficult and complicated trade issues—our dispute with Canada over subsidized imports of softwood lumber.

She has worked tirelessly with our trading partners on trade agreements, and she has worked to obtain consensus among the 149 members of the World Trade Organization in the ongoing Doha Round negotiations.

Ambassador Schwab will need all of her skills to carry out the job as U.S. Trade Representative. We have entered one of the most difficult periods in trade policy that I can remember—both with our trading partners and domestically.

At the top of Ambassador Schwab's agenda will be shoring up the Doha Round. Unless something changes soon, these talks are at serious risk of collapse.

Our trading partners continue to believe that America alone must make the concessions necessary for these talks to conclude. They forget that negotiations are two-way. They are give and take.

As I have told Ambassador Schwab, I will not be in a position to support any result out of the Doha Round unless several results are achieved: No. 1, the EU must commit to serious and meaningful reductions in agriculture tariffs; No. 2, Brazil, India, and developing world countries must commit to serious and meaningful reductions in industrial tariffs; and No. 3, our key trading partners must agree to open further their services markets.

Ambassador Schwab will also face serious challenges in our bilateral trade and economic relationship with China. China often makes promises—in the WTO and bilaterally—that it does not always keep. For instance, in April, China promised to lift its ban on U.S. beef. But China still has not done so, and it appears to be in no hurry.

In the coming months, I hope to work with Ambassador Schwab in creating a more sustained, structured, and comprehensive dialogue with China that allows the United States to hold China's feet to the fire on the promises that it makes.

And we also need a better framework to seek out ways to cooperate more effectively on issues of mutual economic interest.

Ambassador Schwab will also be responsible for negotiating the most challenging free-trade agreements to date. Agreements with Korea and Malaysia—our 7th and 10th largest trading partners respectively—hold great promise. But each presents unique and difficult issues that we must address in order to build political support for these agreements at home.

That will be Ambassador Schwab's greatest challenge—building political support for trade at home. It is no secret that support for trade has evaporated.

Since Congress granted this administration trade promotion authority in 2002, Members have been asked to take a series of difficult votes on trade agreements with small countries of limited commercial value.

Since that time, the concerns Members of Congress have expressed about the administration's trade strategy have fallen on deaf ears, and since that time, support for trade among usually protrade constituents has waned considerably.

As a result, when trade promotion authority expires next year, I do not think Congress will renew it without major changes. I do not anticipate new

fast-track authority until Congress, the administration, and all relevant stakeholders are willing to engage in a serious discussion. They need to answer the tough questions that remain unaddressed: questions relating to trade adjustment assistance and other programs to help those who may be hurt by trade, questions about the role of labor in our trade agreements, and questions relating to the relationship between trade and a competitive U.S. economy.

These are hard issues, and Ambassador Schwab will have to face them head-on. But I have full confidence that Ambassador Schwab has the skills, experience, and the guts to tackle them. Indeed, she spent most of the 1980s grappling with very similar issues when she worked for Senator Danforth in both the majority and the minority.

Nineteen years ago, the Washington Post described Susan Schwab as a ''strategic thinker'' and a ''consensus builder.'' We need these skills at the U.S. Trade Representative, now more than ever.

I look forward to working closely with Ambassador Schwab and urge my Colleagues to vote to confirm her today.

Mr. HATCH. Mr. President, today I rise to give my complete support for Ambassador Susan Schwab who will become our Nation's Trade Representative.

I have been dismayed that the Senate did not move more quickly on this nomination. I have also been disappointed by the opinions, of some, who state that her nomination is an indication that the administration is deemphasizing trade policy.

Obviously, these individuals do not know Ambassador Schwab.

I, on the other hand, have had that privilege of working with her and join the vast majority of my colleagues in stating that that Ambassador Schwab is a tenacious, forceful, yet thoughtful advocate of our Nation's trade agenda.

Our Nation is at a critical juncture. In 2005, the United States trade deficit widened to a record $726 billion, increasing to 5.8 percent of the Gross Domestic Product from 5.3 percent in 2004, and 4.5 percent in 2003.

Many economists now describe the trade deficit as unsustainable. For example, C. Fred Bergsten, Director of the Institute for International Economics, has pointed out ''the United States must now attract almost $7 billion of capital from the rest of the world every day to finance our current account deficit and our own foreign investment outflows.''

In order to meet these challenges, we need our best and brightest working on solutions. Solutions that ensure that that the Doha Round lives up to its potential, while ensuring that a level playing field is created for American farmers, manufactures and service providers.

Solutions that enable the United States to move expeditiously in our free trade negotiations with Korea and Malaysia thereby providing unfettered access to these markets.

Mr. President, I cannot think of anyone better suited to find these solutions then Ambassador Susan Schwab. I am very pleased that the Senate confirmed her nomination just minutes ago.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, how much time is on this side?

The PRESIDING OFFICER. Senator GRASSLEY controls 20 minutes.

Mr. THOMAS. Mr. President, it is a pleasure for me to have the opportunity to discuss the nominee who is before the Senate. I am chairman of the Trade Subcommittee on the Finance Committee, so I have had an opportunity to deal with some of these issues for some time. I was also chairman of the Foreign Relations subcommittee on Asia and the Pacific Rim. These are areas about which I feel strongly.

Fortunately, I had a good deal of opportunity to visit with Susan Schwab, the President's nominee for U.S. Trade Representative.

Obviously, this is a very important position, the position that Rob Portman had over the past 9 months or a year. He has done an excellent job of representing the United States in a situation that is not easy.

The United States is a little different from most countries in the world. They see us a little differently. They expect more from us than we should be asked to give, but nevertheless that continues to be the case. We have to seek to find equality and fairness.

Based on my discussions with her, I think she is an outstanding selection. Senator GRASSLEY talked about her background, and certainly she is well prepared for the position. Her credentials speak for themselves. That is very important in this issue.

Trade is very easy to talk about. Some of my friends on the other side talk about trade is all bad and there is nothing right about it. There is a lot to trade that we have to figure out. We have a lot of demand for overseas goods and, of course, we are the biggest buyer in the world; therefore, we are the biggest trader in the world. So it feels a little differently. It doesn't mean we should not have fair and equal treatment. That is what we seek to have, and that will be the task she undertakes. She will be a strong voice for American trade policy. I believe that is excellent, and I am so pleased.

We are the largest trading nation in the world, and the world is changing, as we know. Twenty years ago, it was quite different. Everyone was fairly isolated. Now, with the kind of communications we have and the kind of transportation that is available—why, there are billions of dollars moving around the world every day. It becomes quite difficult. The countries are changing very fast.

We deal with China today much differently than we did 10 years ago, as we will have to in the future. Foreign trade is not an easy matter with which to deal. What we need to seek and do seek is fairness. Frankly, that is a little difficult in the world because everyone thinks that because we are such a prosperous country, they should have special treatment. But our effort has been to have fair trade, and that ought to be what we do, and that is what we are seeking.

I have met with Susan Schwab and talked about that point, and the fact that we are the largest trading country in the world should not give others an unfair advantage. We need to trade in a fair way, and I think that is what she is committed to do, and certainly I support her for that.

We are the largest trading nation in the world. So, of course, we are the target of most everyone who wants to increase their sales. We also, however, have some opportunities to increase our sales as well, and we are doing some of that. Our demand, because the size of our economy, of course, is large, and we are interested in pursuing those kinds of opportunities. So trade is going to happen, and it is going to increasingly happen as times change and the world becomes smaller. Simply because of our ability to communicate and our ability to move around the world, it will become smaller.

So the challenge is how we can trade fairly with these other countries. Many of them think, Oh, you are the big, rich country; you ought to be able to give us a lot of things. That really ought not to be what we are dealing with. We ought to be dealing with fair trade. I think that is the point. It is what I have talked to Susan Schwab about, and she certainly is agreeable to that.

More than 25 percent of the U.S. gross domestic product is tied to trade, so it is an important aspect of our economy. Ninety-six percent of the world's consumers live outside of the United States. So in terms of our production, we need to be involved in world trade and we need to make it fair. And that really, of course, is the challenge.

It is easy to be critical about everything we do in trade. The fact is, particularly with some of the commodities in my State of Wyoming, trade is about selling our markets somewhere else. So we need to understand that. Again, the key is fair trade and that is what we are talking about. We need to find ways to open the world market to our goods and our services, and we ought to be able to enter into the market on the same basis as anyone else, and at the same time hold others to the same considerations that we have when they come here. We need to pursue both bilateral and multilateral negotiations, and of course that is what we are doing. And we need strong leadership to do it and to represent our interests in these discussions.

So I think that is exactly what we will be able to do. We are making progress.

My colleague mentioned the fact of the cow business in Japan. Well, that is a problem. Frankly, it is not a trade problem as much as it is a mad cow disease problem. It has been handled wrong, and we are working toward getting that resolved. Our best potential and the largest growth we have in the beef industry and exports has been in Asia. That is where we are now. We have been able to open up the markets in Australia and in South Korea, and we had the markets pretty much open in Japan until the mad cow disease came along, and now we are in the process, hopefully, of getting them open again. So that is very important, and we need to continue certainly to do that.

We need a strong leader to represent our interests. I think that is exactly what we will get with Susan Schwab, and that leadership is what we need. Bob Portman has done a very good job, and she has worked with him, of course, in getting us into this position. So we need to have good leadership to walk away from some of the bad agreements, the tough agreements that we have had. The world is sometimes difficult to deal with, but Susan Schwab will provide that leadership.

During her testimony before the Finance Committee, of which I am a member, she stated:

> It will take more than a willing spirit to forge good trade policy in the next 5 years. It will require us to keep the multilateral process on track in the WTO, to negotiate commercially significant free trade agreements, and to enforce vigorously the terms of those agreements and to uphold the rules of trade.

So that is what we are really faced with. These smaller countries, these countries that frankly generally have less economic strength than we do and they always want special treatment: Well, you guys can afford that. What we need is fair trade, and that is what trade is all about, and that is why it takes a leader to do that. So I am very pleased that she is there and that she is willing to do this. She is well trained to do it.

She further stated that her success may require:

> An honest, sometimes blunt, but always respectful exchange of views, along with a willingness to compromise when possible and the strength to stand firm when necessary.

The strength to stand firm when necessary. To me, that is probably the most important element of the trade negotiations that we enter into, is to be able to stand firm on what we agree on, and we ought to be in a position to do that when we are as big a buyer as we are. We also need to have some muscle on the other side, and we can do that.

I am pleased with the commitment she has made to reach out and listen and consult with Members of Congress on both sides of the aisle. Engaging Congress in a bipartisan way upfront and throughout the process will be crucial, and she will do that. Ms. Schwab understands this, and I am confident that she will follow through.

So I look forward to working with her. I am looking forward to one of the important elements of our economy, and that is world trade, and doing it in a fair manner.

Mr. President, I yield back all time on behalf of Republicans and Democrats and ask for a vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Susan C. Schwab, of Maryland, to be United States Trade Representative?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A VICTORY IN THE WAR ON TERROR

Mr. CORNYN. Mr. President, earlier today, we witnessed an important victory in the war on terror and in the continued march of freedom and democracy in Iraq.

Al-Zarqawi, like Saddam Hussein, was a mass murderer. I am not sad to say that he has made his last video.

I could not be more proud of our men and women in uniform—our military and intelligence services and those individuals who participated in this particular operation. Our intelligence and military forces have demonstrated their exceptional abilities and reminded us yet again that, through patience and resolve, we will continue to win the war on terror and advance the cause of freedom around the globe.

So I want to say to our military forces and our intelligence community serving all around the world that we support you, we are proud of you, and we know that you will continue to keep up the good work.

Mr. SHELBY. Mr. President, last night the U.S. military, as we know now, working hand in hand with the Iraqi counterpart, located and killed al-Qaida terrorist Abu Mus'ab al-Zarqawi. We know who this terrorist is. He is a brutal terrorist who has repeatedly encouraged violence against Americans and Iraqi citizens.

Al-Zarqawi is credited with ordering kidnappings, beheadings, and killings of innocent civilians with insurgent attacks. Al-Zarqawi was the operational mastermind of the al-Qaida network in Iraq. He sought to destroy America and our coalition partners to create a sanctuary for the al-Qaida organization in the Middle East. His death marks the fragmentation of al-Qaida's primary leadership and the silencing of a ruthless terrorist.

The military operation against al-Zarqawi was performed by our dedicated, professional Armed Forces in concert with our coalition partner. Our military servicemembers should be commended for their remarkable efforts in eradicating the enemy of a free and democratic Iraq.

Our war fighters worked tirelessly with our Iraqi counterparts tracking the movement of al-Zarqawi's followers, leading to his demise in last night's airstrike.

We are proud of the success of this operation, but even prouder of the job that our Armed Forces have accomplished in their commitment to peace and stability in Iraq. Although this is positive development and significant step in the global war on terror, our fight in Iraq is far from over. We are making significant strides toward eradicating terrorism, developing a free government, and reviving the economy. But Iraq will not become a democracy overnight. While our involvement continues to be difficult, our resolve must remain strong. We must remain focused on our fundamental goal—preserving the freedom and security of the United States. This is an enormous challenge that will take determination, global cooperation, and fortitude to succeed. I am confident the United States will triumph over global chaos and tyranny, as it always has. But whatever it is, we must back our troops.

RECIPIENTS OF THE ''HEROES AMONG US'' AWARD

Mr. KENNEDY. Mr. President, all of us in New England are proud of the Boston Celtics and their skill on the basketball court. We're also proud of the support they give to those who need help in our communities. Each year, the Celtics organization honors outstanding persons in New England as ''Heroes Among Us''—men and women who make an especially significant impact on the lives of others.

The award is now in its ninth year, and the extraordinary achievements of the honorees this year include saving lives, sacrificing for others, overcoming obstacles to achieve goals, and making lifelong commitments to improve the lives of those around them. The honorees include persons of all ages and all walks of life—students, community leaders, founders of nonprofit organizations, members of the clergy, and many others.

At home games during this season, the Celtics, their fans and the Massachusetts State Lottery saluted the efforts of each honoree in special presentations on the basketball court. Over 300 individuals have now received the ''Heroes Among Us'' award, and it has become one of the most widely recognized honors in New England. I commend each of the honorees for the 2005–2006 season. They are truly heroes among us, and I ask unanimous consent that their names and communities may be printed in the RECORD.

Bill Driscoll, Jr., Milton, MA
Captain Bob DeFlaminis, Franklin, MA
Sergeant Jim Flaherty, Quincy, MA
Michael Rodrigues, Hopedale, MA
Nick Prefontaine, Shrewsbury, MA
Chiara Arcidy, Bedford, NH
Dr. Sam Nosike, Watertown, MA
Brendan and Kelley McDonough, North Chelmsford, MA
Principal Bill Henderson and Patrick O'Hearn Elementary School, Dorchester, MA
Carrie Larson, Bedford, MA
Brian Russell, Merrimack, NH
Dr. Peter Raffalli, North Andover, MA
Bob Manger, Scituate, MA
Jay Blake, Marston Mills, MA
Jane Smith, Shrewsbury, MA
Adam Roberge, East Kingston, NH
Stuart Molk, Danvers, MA
Ron Bell, Milton, MA
Marie Poulin, Quincy, MA
David Russell, Ipswich, MA
Ryan Curtis, Lynn, MA
Alex Ingoglia, Malden, MA
Matthew Scibelli, Malden, MA
Brian Short, Medford, MA
Mirelle Manzone, Dover, MA
David and Stephanie Dodson, Weston, MA
Anthony Fiorino, East Boston, MA
Josh Algarin, Holbrook, MA
Georgiana Melendez, Peabody, MA
Reverend William Dickerson, Dorchester, MA
Theresa Reilly, Roslindale, MA
Dean Levy, Marshfield, MA
Sean McDonough, North Quincy, MA
Sarah Fader, Ipswich, MA
Suzanne Wintle, Weston, MA
Tiesha Hughes, Boston, MA
Stan Kosloski, Cromwell, CT
Ron Goodman, Quincy, MA
Theresa Lynn, Jamaica Plain, MA
Denise Carriere, Andover, MA
Mark Mitchell, West Springfield, MA
Donna Tardif, Freeport, ME
Lieutenant Jim Meeks, Chestnut Hill, MA
Donna Fournier Cuomo, North Andover, MA
Members of the Original Tuskegee Airmen: Luther McIlwain, Methuen, MA, James Sheppard, Portland, ME

AGRICULTURE DISASTERS IN SOUTH DAKOTA

Mr. JOHNSON. Mr. President, extreme weather conditions pounded much of South Dakota in 2005, leaving nearly 60 out of the State's 66 counties eligible for Federal disaster aid. Many family farmers and ranchers have had little reprieve from the previous year of harsh weather conditions, as blizzards and drought have already hampered the 2006 production year. On top of natural disasters, low commodity prices and skyrocketing energy costs are forcing producers to make tough decisions in order to keep their operations afloat. I believe we can do more to help ease the burdens that our producers bear, and I want to draw the Senate's attention to a handful of South Dakota counties devastated by natural disaster in 2005 and into 2006.

In 2005, 59 South Dakota counties were included in Presidential or Secretarial emergency declarations as either primary or contiguous disaster counties. These counties experienced natural disasters such as drought, high winds, extreme heat, flash flooding, hail, prairie fires, spring frost, severe storms, and blizzards.

For example, 2005 marked the fourth consecutive year of experiencing drought conditions in central South Dakota, including Hand, Hughes, Hyde, Stanley, and Sully counties. Inadequate snowfall, meager spring rains, high temperatures, and desolating winds led to sparse pastures and a lack of forage crops necessary for feeding livestock. Without adequate precipitation, producers were forced to reduce the size of their livestock herds. Of the 57,500 acres planted or growing in Stanley County, losses ranged from 35 to 70 percent. In Sully County, 50 to 70 percent of 280,075 acres planted or growing were lost due to drought conditions. Hyde County's corn, soybean, and sunflower crops experienced yield losses ranging from 50 to 80 percent.

In southern South Dakota, Charles Mix County experienced much of the same drought conditions. While drought typically wreaks havoc on an area over an extended period of time, one day of particularly extreme temperatures and strong winds on top of severe drought can devastate already struggling crops. On July 23, 2005, the temperature reached 114 degrees Fahrenheit with 45-mile-per-hour winds. These conditions led to a 60 percent loss of corn yields, 50 percent loss of soybean yields, and 30 to 35 percent of yield losses in sorghum, alfalfa, mixed forage, and grass. Neighboring county, Hutchinson County, experienced 100 percent loss of prevented corn and soybean yields and 50 percent loss of corn and soybean yields.

We are now in the middle of the 2006 production season and Farm Service Agencies, FSA, in parts of the State report conditions edging toward severe drought and fear that without adequate precipitation soon, many counties will be faced yet again with another difficult year of production. Livestock producers are increasing supplemental feeding early this year due to poor pasture conditions and lack of water in dams and dugouts. Farmers are left with very little to work with, as both the topsoil and subsoil lack the necessary moisture to produce operation-sustaining crops. This cycle of drought conditions has created a new element of synergism in the agriculture industry, compounding year upon year of devastating effects not only on producers' pocketbooks, on livestock and land conditions.

Campbell County, in north-central South Dakota, is one among many counties experiencing drought again this year. Entering into its fourth year of drought conditions, with only 1.54 inches of rainfall to date for 2006, Campbell County is currently 63 percent below the normal precipitation for the area. Today, many water sources are dry due to below normal snowfall during the winter months yielding no runoff, and below normal rainfall this spring. In addition to drought, frost has forced producers to shorten grazing time on native pastures and native and tame greases.

In central South Dakota, drought is rearing its ugly head for the fourth and fifth consecutive years. Hand County is experiencing yet another extremely dry year, with approximately 330 livestock producers affected and an estimated $210,000 needed in Emergency Conservation Program, ECP, funds to correct the damage. In Lyman County, winter and spring wheat yields will likely yield zero to 40 percent of normal. Row crops, which were planted into dry ground, are not germinating and will likely fail unless adequate precipitation is received soon. While most livestock producers in these areas have not liquidated as of yet, should these conditions persist, they will be forced to sell their entire herd.

On the opposite end of the spectrum is Clay County, which experienced a series of heavy rains, flooding, hail, and frost in 2005. Much of the alfalfa affected by the excessive rain incurred a significant quality loss, because most of the first cutting was not able to be marketed as dairy-quality hay. The majority of producers affected suffered a 20 to 40 percent of yield losses, while 100 to 125 producers experienced greater than 30 percent in losses. Of those with greater loss, some producers received assistance from the FSA Farm Loan Division in order to keep their farm in operation.

Counties throughout the State have also been impacted by frost or freezing temperatures. Haakon County, in western South Dakota, had frost hit winter wheat and alfalfa crops in March of 2005, only to experience freezing temperatures two months later. Eighty percent of yield losses affected the 15,800 acres of alfalfa and 10 to 20 percent of winter wheat yields were lost. Among other counties affected by frost or freezing temperatures were Brown, Gregory, McPherson, Hyde, Potter, Brookings, Perkins, Clay, and Sully.

Dealing with winter storms is certainly not new to South Dakotans. However, from time to time the combination of unusually high winds, freezing rain, and large snow accumulation results in the temporary paralysis of communities and agriculture operations. Not only did severe winter weather in 2005 and the spring of 2006 take a toll on livestock, but many producers were without electricity for days and even weeks. Producers' pocketbooks took an extra hit because of the high fuel costs it took to run generators around the clock.

From November 27 through November 29, 2005, severe winter storms swept through much of eastern South Dakota. President Bush declared 42 primary and contiguous counties as emergency designations. In Hamlin and Deuel Counties, 30 percent of producers' alfalfa and winter wheat were lost in that particular blizzard.

Western South Dakota was hit with severe blizzard conditions on April 18 and 19, 2006, dropping as much as 24 inches of snow. Harding, Meade, Haakon, and Butte counties were among those hardest hit by the spring blizzard, with the total estimate of livestock losses at approximately 11,732. Harding County experienced the worst losses. According to the Harding County FSA office, 60 of the 300 producers contacted reported losses totaling 2,500 cows and calves and 6,000 sheep. For one producer in northwest Harding County, about one-third of his herd died when between 450 and 500 of his sheep piled up against a fence and suffocated. Butte County also sustained significant losses to their livestock herd.

I briefly described the agricultural conditions South Dakota's family farmers and ranchers have faced over the last year and a half. The counties I described are merely a snapshot of the reality that our producers experience following a natural disaster. In some cases, disasters are limited to portions of one county, while other disasters span large parts of the state, affecting all producers.

Every farmer or rancher knows that each production year is a gamble with Mother Nature. Unfortunately, all too often most producers at some point lose this gamble and suffer the devastating effects of a natural disaster. I understand the financial and emotional hardships that this places on many family operations' struggle to survive. Because agriculture is the driving force behind South Dakota's economy, it is crucial that producers receive the resources necessary to recover from their losses.

In response to the many natural disasters that producers throughout the country have suffered, Senator KENT CONRAD and I introduced the Emergency Agricultural Disaster Assistance Act of 2006 on March 16, 2006. Our relief package would provide emergency production loss and economic assistance to agricultural producers for losses sustained during the 2005 production year. Assistance for crop production losses, livestock assistance, supplemental nutrition, and economic disaster assistance to aid with rapidly-increasing production input costs are included in our bill. In addition, a number of provisions in the bill address agricultural recovery in the areas affected by Hurricane Katrina.

Senators KENT CONRAD, BYRON DORGAN and I worked to fold our standalone bill into the larger spending bill, the Emergency Supplemental Appropriations Act, H.R. 4939. On May 4, 2006, the Senate passed the $109 billion emergency funding package, of which $3.9 billion would be used for agriculture disaster relief. As a negotiator in the conference consideration of the bill, I fought to secure meaningful disaster aid for producers. However, House leadership demonstrated their priorities, leaving America's family farmers and ranchers out to dry yet again. The conference report that was presented to the committee contained only money for Hurricane Katrina-related agriculture disaster—not a penny was included to provide relief for the flooding and drought conditions that have plagued so many of our producers in 2005.

While this administration insists that the 2005 crop year was outstanding, if not a record-breaking year, the disaster situations I just described indicate otherwise. This agreement was a raw deal for our producers and a raw deal for our rural communities.

FEDERAL INTEROPERABLE COMMUNICATIONS AND SAFETY ACT

Mrs. CLINTON. Despite the fact that there has been progress on the issue of interoperability, such as the transfer of much needed spectrum for first responder communications and the allocation of $1 billion for interoperability grants that passed last year, it is clear that incidents like Hurricane Katrina demonstrate that there remains more work to be done.

What I am concerned about is that 5 years after 9/11, I do not believe that there has been the leadership role at the Federal level to give this issue the full attention and high profile that it demands.

I believe we need an office at DHS that will be charged with continually analyzing, continually assessing, and continually thinking about how to coordinate not only the Federal agencies that manage and operate communications systems, but the local and State governments, who often have very different ideas of what interoperability means.

Additionally, we also need to give that office the resources and authority it needs to carry out its mission.

We have ostensibly given the leadership role of one of the most critical issues to emerge from 9/11 and Katrina to the SAFECOM Office within DHS. However, it is my understanding that this office has fewer than 10 full-time employees and for all intents and purposes is buried within the DHS bureaucracy. While I understand that this office is headed and staffed by dedicated professionals, how do we provide the Federal leadership necessary with fewer than 10 people?

SAFECOM, according to its own Director, needs more authority in funding decisions and its interactions with other agencies.

We have got to get serious about this matter, and I believe that legislation I have recently introduced, S. 3172, the Federal Interoperable Communications Act of 2006, takes us a step in that direction and I would like to thank Senators SALAZAR and DURBIN for cosponsoring my legislation.

My bill is not radical in how it is put together nor does it espouse to have the latest technology that will solve the interoperability problem once and for all. But it does put forth a blueprint in how the Federal Government can utilize all of the assets at its disposal and ensure that there is clear accountability and leadership on this issue at the Federal level.

It creates an interoperability czar who would report directly to the Secretary of Homeland Security. It also puts that czar in charge of a central interoperability office and gives it a clear mission, outlines responsibilities and expectations, and allows it to get the resources it would need to carry out its mission.

It requires the development of a national strategy, which would include an inventory that identifies the channels and frequencies used in every Federal agency and keeps track of what is being used by the State and local officials, so that when first responders from the Federal Government or other jurisdictions respond to an incident, they will know what frequencies and radios are being used.

This strategy sets clear benchmarks to ensure that we are constantly evaluating our capabilities and adjusting our strategies accordingly to changes in threats, advancements in technology and other factors.

My bill would also help ensure that the money that we are spending now on interoperability grants is being spent wisely and efficiently by ensuring that the grant guidelines are consistent with the goals and mission of the Office of Emergency Communication and that grant recipients have submitted a statewide interoperability plan or have adopted national consensus standards of how their platforms will work.

There have been dozens of first responders, emergency support providers, and Federal, State, and local officials who have testified before Congress, where they have cited the need for consistency in Federal grant guidelines and clarity in the DHS mission for a national emergency communications plan, and my bill seeks to address those concerns.

My bill also will help ensure that there is always an open line of communication between the State and local governments, the private sector, and the Interoperability Czar by creating regional working groups that include virtually every entity with an interest in communications policy that can report the specific needs and progress in a region.

Finally, the bill also creates an Emergency Communications Preparedness Center which will be a consortium of all the Federal agencies that have

focused on interoperable communications, namely the FCC, DHS, Commerce, DOD, and the Justice Department. I envision that this would be the Federal clearinghouse which would help ensure that these agencies which have access to the latest technologies and innovative strategies in interoperable communications can share and coordinate that information and technology to the benefit of the State and local agencies they work with.

I also have provisions that will help facilitate the creation of a national and interoperable alert warning system.

Basically, this bill boils down to providing the leadership needed at the top level to ensure that the technologies, best practices, and resources are flowing to the men and women on the ground.

One of the key recommendations of the 9/11 Commission was to deploy interoperable communications for all of our Nation's first responders. Indeed, this is an enormous, difficult, and complicated task, which requires and demands the immediate and coordinated attention of our Federal Government. My legislation will help ensure that this critical issue gets the attention that it deserves.

ADDITIONAL STATEMENTS

HONORING TERRENCE J. LEARY

• Mr. CHAFEE. Mr. President, I am pleased to pay tribute to Terrence J. Leary, who has served as president and CEO of the Harmony Hill School in Glocester, RI, for the last 29 years. In all, he has worked at Harmony Hill for 40 years having begun his career as a teacher and then serving as education director under the school's founders, Edward and Laura Spring.

Terry has built upon the legacy of the Springs and led Harmony Hill to national status with a program providing an environment in which at-risk youth can prosper. In January 2000, Terry received the National Association of Private Schools for Exceptional Children's Executive of the Year Award for his outstanding contributions to private special education.

Terry Leary has served on many civic and charitable boards, including the Rhode Island Council for Exceptional Children, Big Brothers of Rhode Island, and the Lions Club of Smithfield, RI.

Terry's wife, Linda Leary, is a special education teacher in Lincoln, RI, and they have a daughter, Kara, a student at Gallaher Middle School in Smithfield.

Mr. President, Terry Leary's compassionate leadership at the Harmony Hill School is an inspiration for all who work in the field of education, and I ask unanimous consent that his achievement be recognized at an appropriate place in the RECORD.•

100TH ANNIVERSARY OF MAX, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 30–July 2, the residents of Max will gather to celebrate their community's history and founding.

The community of Max began its century in the heartland on August 8, 1906, when it was platted by J.G. Sheldrick. The town gained its unusual name because when people would come to the post office, a shaver named Max would jokingly ask if they were coming to his post office. The name Max's Post Office stuck and was later transferred to the town.

Max prides itself on community involvement. The Community Enterprises, a group that invests in and sustains local businesses, has helped keep this small town vibrant. The annual ''Great Plunge'' is an example of the lively, fun-loving spirit in Max. In this event, the community places a large Dr. Pepper can on an ice-covered pond. Tickets are sold with the day and time the ice will melt, causing the can to fall into the pond.

The community has planned a wonderful weekend celebration to commemorate its 100th anniversary. Events include a street dance, children's activities, skits, presentations and fireworks.

I ask the Senate to join me in congratulating Max, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Max and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Max that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Max has a proud past and a bright future.•

100TH ANNIVERSARY OF HANNAFORD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 30–July 1, the residents of Hannaford will gather to celebrate their community's history and founding.

Hannaford is a Community of Progress and Proud Heritage, located in the heart of east-central North Dakota. Since the day of its founding by Jules M. Hannaford the community has been small but very active.

Hannaford has plenty to offer its residents and visitors. There is always something to do, from visiting the park, to bowling, hunting, and playing around at the baseball complex.

The community has planned a wonderful weekend celebration to commemorate its 100th anniversary. The celebration preparation includes a bingo fundraiser, a 2002 Centennial Historical Book sale, and a cookbook sale. The money raised will be used for the celebration festivities.

I ask the Senate to join me in congratulating Hannaford, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Hannaford and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Hannaford that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hannaford has a proud past and a bright future.•

HONORING RAY DOOLEY

• Mr. KERRY. Mr. President, earlier this year Boston lost a legendary political organizer, Mr. Ray Dooley, whose passion and intelligence lifted Massachusetts and everyone who worked with him. I ask unanimous consent that the remarks I delivered at his memorial service be printed in the RECORD:

The information follows.

Anne, Catroina, Conor, and Brian, in the time since your husband and father was taken from all of us, but especially was taken too soon from you who loved him best and needed him most, people across Massachusetts and Ireland have rightfully remembered Ray's social conscience, his decency, his strength, his wisdom, and his judgment.

Each of these qualities of character ought to be especially celebrated because they are as suddenly rare in public life as they were abundant in Ray Dooley.

But they don't tell us the something about Ray which brought so many of us in this room together time and again, from movements to end an unjust war, to the march for civil rights, to Ray Flynn and City Hall, to hard fought, bare knuckled Senate races in 1984 and 1996 in which Ray took center stage. I know better than anyone that they wouldn't have ended in victory without him.

Ray lived out what Winston Churchill's political right hand R.A. Butler knew: ''Politics is largely a matter of heart.''

But more than that even, Ray Dooley taught a generation of politicians and political organizers that idealists could be tough as nails—and that there was nobility in fighting your heart out on the political field. He shattered anyone's illusion that liberals were fuzzy headed bleeding hearts out of the Ivy Tower who floated above the fray. Ray was never defensive about being 'in politics'—he was proud of it, he wore his passion for the game on his sleeve. He was gutsy, determined, and in the finest sense of the phrase, a true believer. Ray showed us all how to win a campaign and keep your conscience.

Harry Truman, who rose through the ranks came of age of Kansas City's

Pendergast machine, was once asked if he minded being referred to all his life as a 'politician' while others were called 'statesman.' Truman laughed and said 'they only call you a statesman when you're gone.'

I have no doubt Ray would prefer to be remembered as a political organizer—for he was one of the best and he gave his talent not only for his candidates—and what a difference he made for us—but for the common good. And what a difference that made for our city, our state, and our country.

Ray had steadiness, toughness, and a willingness to ruffle feathers—along with the force of character to tell candidates when they're wrong. More than once he said to me: ''John, cut the b.s.'' Ray, I hope I've finally learned.

He knew that in politics you can't make everyone happy and he saw those on the other side as opponents, but never enemies. He fiercely wanted to defeat them, but never to destroy them.

He also had grit, and an instinct for when to tell a loud mouth to pipe down, finally giving a reluctant activist at the end of the table the confidence to speak up—and speak out. It was leadership, the art of politics at its best; he was a man who lived for others.

No, Ray was never afraid to be 'in politics' because he knew it was politics that got things done for the people whose cares were his cause—for the poor who lacked decent housing, for a city divided over race, for women and gays and lesbians who only ask for the freedom to be who they are, for workers who deserve decent wages, and, in Ireland, for children whose rights and dignity had to be respected.

It wasn't cheering things on as they were that made the progress Ray demanded, it wasn't high fallutin words that got these things done, it was politics—it was deal-making—it was Ray Dooley and the language was Dooley-speak.

Ray was a kind of quiet Pied Piper not unlike our old friend Michael Ventresca. He loved underdogs. Tom Gallagher wasn't supposed to win, but Ray proved the wise-guys wrong. Ray Flynn wasn't supposed to win, but Dooley proved them wrong again. And I wasn't supposed to win—but Ray believed, and I'm glad that together we proved him right. And in all these underdog fights, he loved being an odd couple political matchmaker. It was Dooley and the best kind of politics in 1983 and 1984 that surprised many and puzzled some when he helped to bring Ray Flynn and me together. It was Dooley who made it possible for Susan Tracy to stand at the Jackson Mann School on primary day 1984 when Ray's first victorious candidate Tom Gallagher came to my aid. It was Ray who knew what it would mean to have a red ink stamp on all the Kerry lit that read ''endorsed by Rep. Tom Gallagher.'' That was Ray Dooley. It was the same Dooley style politics that showed up in Iowa in 2004—when suddenly local reporters starting hearing about nuns phonebanking voters in Dubuque as part of Catholics for Kerry. I don't envy the Bush supporter on the receiving end of that phone call!

That's how Ray Dooley won grassroots races: one house, one block, and one precinct at a time. In an era when the art of politics is abused by some in the profession and cynically dismissed by some in the press, it's important to remember—Ray showed how to do it right and for the right reasons.

Ray lived up to the words of John Kennedy—that politics is an ''honorable profession.'' To Ray it was the worthiest of endeavors, a joyful profession. And through all the turbulence and temptations, he was always above all something he prized in others—a man of honor.

But Ray wasn't just an individual force; he leaves behind an army he enlisted to carry on his mission. He built a farm team of political professionals who have become All Stars while staying true to progressive causes. They carry a whole lot of Ray with them in the hopes and energy that fuels the work of Mary Beth Cahill, Patty Foley, Michael Whouley, Joe Newman, Kevin Honan, Susan Tracy, Marie Turley, Howard Leibovitz, and John Giesser. Anne, Catroina, Conor, and Brian miss Ray in a way beyond measure; but his political family here in America also misses a friend, a mentor, a surrogate father and adopted brother.

With his humor, his doggedness, and his rare qualities of insight, Ray fought and won great political battles. Campaign manager, chief strategist, conscience—he was all this and more in politics. And he was every bit as talented, committed, and resourceful in searching out treatments for his illness while always thinking about how medical science could help improve treatment for future cancer patients. He saved his hardest fight for the race in which he was the ultimate underdog. With humor, he laughed at his own mortality, sustaining those around him. Others might have reasonably given up, but not Ray. Why give in to the long odds of beating a tough cancer when long odds had never stopped him before? Knocked on his ass, Ray Dooley dusted himself off and kept punching. And each of us could learn a lot from that too.

So: our friend Ray was many things: an activist, a shameless idealist, an unapologetic progressive, a self-proclaimed liberal, a humanitarian, and a globalist in the best sense of the word. But it would be a mistake if his passing from man to unforgettable memory made any of us forget that Anne's husband, the father of Catroina, Conor, and Brian, was also the tough, go-to, level-headed, street-smart strategic leader who lived and breathed politics in this proudly political city—and in Dooley-speak, he was damned good at it.

Ray, we gather here now one last time as your legion of lifelong friends. Tomorrow and tomorrow, we will miss—you and so will the world, for the injustices you would've righted, the hurts you would have healed, and the great clashes that would've summoned you to arms. Your legacy is a generation that loves politics as much as you did and fights with the same heart, conviction, and passion that are your undying gift to us, your political family. You are buried in your beloved Ireland, but for years to come your soul will be with us here in that other Irish place you loved, the city of Boston.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO ROBERT EDWARD HOLROYD

● Mr. ROCKEFELLER. Mr. President, I wish to commemorate a man who has made a significant impact on the State of West Virginia and on his community—Robert Edward Holroyd is not only a dear friend of mine, but the work he has done for our State has been beyond extraordinary. Bob and I have been friends for a very long time and in addition to being a wonderful friend, he is also a counselor, and someone on whom I often rely for advice and wisdom.

Holroyd has been active in improving the medical practices for the State of West Virginia. He was one of the organizers of Princeton Community Hospital, where he served on the board until he became general counsel of the hospital, a position he continues to hold. Also, he is presently the chair of St. Luke's Hospital in Bluefield, WV and serves as chairman of the Mercer County 911 committee.

In 1981, Holroyd played a significant role in the opening of the Princeton Health Care Center nursing home, which is celebrating its 25th anniversary on June 16, 2006. Princeton Community Hospital opened as a general hospital on December 20, 1970, and was chartered as a nonprofit organization with its own board of directors to establish and plan for future health care centers. Since its inception, and thanks to those like Holroyd, the hospital staff has grown from 13 physicians and 125 employees to more than 100 doctors and 1,140 employees today as it celebrates this milestone. With the addition of new equipment, the adoption of new concepts in health care delivery, and the expansion of the facility, the hospital's well-trained and highly motivated professionals are able to provide quality health care services for the citizens of Mercer and surrounding counties. The hospital's many specialties and technological advancements place it on the leading edge of medical treatment in southern West Virginia.

Mr. Holroyd was born to the late Virginia Lazenby and the late Dr. Frank Jackson Holroyd on September 15, 1931, in Princeton, Mercer County, WV. Beginning in his youth in Mercer County,

Holroyd was a natural born leader, already making an impact in his community. He was active in the First Baptist Church in Princeton, WV as well as the Boy Scouts of America, Troop 1, in which he attained the rank of Eagle Scout. While at Princeton High School, Holroyd was a member of the nationally ranked Princeton High 1948–49 debate team. As a result of his successes early in life, Holroyd received a 4-year scholarship to West Virginia University.

At West Virginia University, he majored in political science and speech. During his tenure at the University, Holroyd left Morgantown and joined the United States Marine Corps during the Korean Conflict. Holroyd served on active duty for 3 years and served with special assignments to military police. In 1954, Holroyd became a Marine reservist and returned to Morgantown, WV to finish his undergraduate studies, and pursue law school. He graduated with a law degree in 1958 and returned home to Princeton, WV, to practice law.

Holroyd's interest in politics blossomed after law school, and in 1960, he became very active in President John F. Kennedy's primary campaign in southern West Virginia. In Princeton, Holroyd was assistant prosecuting attorney from 1961–1964. In 1964, he was elected to the West Virginia House of Delegates and served as prosecuting attorney of Mercer County from 1965–1967. Besides working on President Kennedy's campaign, Holroyd continued supporting the Democratic Party by serving on the West Virginia State Democratic Executive Committee for two terms, as well as being a delegate to the Democratic National Convention in 1976.

Holroyd served West Virginia as a consultant to the Governor's Committee on Crime and Delinquency and Correction and the International Association of Chiefs of Police. He was also an instructor on Criminal Law and Procedure at West Virginia State Police Academy and West Virginia Basic Police Science Courses at Institute, WV. Holroyd also served the Police force by being a guest instructor at Bluefield State College, Police Service Department and as an adjunct professor at Marshall University.

Throughout his community, Holroyd was a past member and officer in Princeton's Junior Chamber of Commerce. He was an active member in the Princeton Rotary Club, and is a current member of the Veterans of Foreign Wars—VFW, American Legion, Elks, Moose, Mercer County and West Virginia's State Bar Associations.

Husband to Emilie Norwood Adams, father to Elizabeth, William and Mary Jacqueline Holroyd, and grandfather to four, Holroyd has served his family, his State, and his country. West Virginia is proud and honored to say he represents the State, and I am proud and honored to say he is a dear friend. West Virginia thanks him for his extraordinary service and for his leadership some 25 years ago that make this anniversary possible for the Princeton Health Care Center nursing home.●

100TH ANNIVERSARY OF LEMMON, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I rise to recognize Lemmon, SD. The town of Lemmon will celebrate the 100th anniversary of its founding this year.

Located in Perkins County, Lemmon was founded when the Milwaukee railroad extended its line toward the West. It officially became a town on May 16, 1906, founded by George Edward Lemmon.

I would like to offer my congratulations to Lemmon on their anniversary and I wish them continued prosperity in the years to come.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:59 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 193. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5254. An act to set schedules for the consideration of permits for refineries.

ENROLLED BILL SIGNED

At 1:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5254. An act to set schedules for the consideration of permits for refineries; to the Committee on Energy and Natural Resources.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 8, 2006, she had presented to the President of the United States the following enrolled bills:

S. 193. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

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–7026. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics) transmitting, pursuant to law, a report from the Counterproliferation Program Review Committee entitled ''Report on Activities and Programs for Countering Proliferation and NBC Terrorism''; to the Committee on Armed Services.

EC–7027. A communication from General Counsel of the Department of Defense, transmitting, a report of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2007; to the Committee on Armed Services.

EC–7028. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the restructured Global Hawk program; to the Committee on Armed Services.

EC–7029. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to restructuring the National Polar-orbiting Operational Environmental Satellite System (NPOESS) program; to the Committee on Armed Services.

EC–7030. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Quality Assurance'' (DFARS Case 2003–D027) received on May 31, 2006; to the Committee on Armed Services.

EC–7031. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Contract Termination'' (DFARS Case 2003–D046) received on May 31, 2006; to the Committee on Armed Services.

EC–7032. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Authorization for Continued Contracts'' (DFARS Case 2003–D052) received on May 31, 2006; to the Committee on Armed Services.

EC–7033. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Basic Agreements for Telecommunications Services'' (DFARS Case 2003–D056) received on May 31, 2006; to the Committee on Armed Services.

EC–7034. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Describing Agency Needs'' (DFARS Case 2003–D073) received on May 31, 2006; to the Committee on Armed Services.

EC–7035. A communication from the Director, Defense Procurement and Acquisition

Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Special Contracting Methods'' (DFARS Case 2003–D079) received on May 31, 2006; to the Committee on Armed Services.

EC–7036. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–114—06–124); to the Committee on Foreign Relations.

EC–7037. A communication from the Acting Administrator, U.S. Agency for International Development, transmitting, reports relative to a series of studies on the ''Muslim World''; to the Committee on Foreign Relations.

EC–7038. A communication from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report relative to the 13th Board meeting of the Global Fund to Fight AIDS, Tuberculosis and Malaria held in Geneva, Switzerland, from April 27–28, 2006; to the Committee on Foreign Relations.

EC–7039. A communication from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on the President's Emergency Plan for AIDS Relief—Bringing Hope: Supplying Antiretroviral Drugs for HIV/AIDS Treatment; to the Committee on Foreign Relations.

EC–7040. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries; to the Committee on Foreign Relations.

EC–7041. 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 manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–7042. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed transfer of major defense equipment valued (in terms of its original cost) at $14,000,000 or more from the Government of the Netherlands to the Government of the United Arab Emirates; to the Committee on Foreign Relations.

EC–7043. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the 2006 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC–7044. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Determining Average Manufacturer Prices for Prescription Drugs Under the Deficit Reduction Act of 2005; to the Committee on Finance.

EC–7045. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Rules for Helping Blind and Disabled Individuals Achieve Self-Support'' (RIN0960–AG00) received on May 31, 2006; to the Committee on Finance.

EC–7046. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Expiration Date for the Digestive Listings'' (RIN0960–AG39) received on May 31, 2006; to the Committee on Finance.

EC–7047. A communication from the Chief, Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Single Entry for Unassembled or Disassembled Entities Imported on Multiple Conveyances'' (RIN1505–AB34) received on May 31, 2006; to the Committee on Finance.

EC–7048. A communication from the Director, Regulatory Management Division, Office of Executive Secretariat, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes to the Procedures for Notifying the Public of Premium Processing Service Designations and Availability'' (RIN1615–AB40) received on May 31, 2006; to the Committee on Finance.

EC–7049. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; State Health Insurance Assistance Program'' (RIN 0938–AJ67) received on May 31, 2006; to the Committee on Finance.

EC–7050. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Conditions for Coverage for Organ Procurement Organizations (OPOs)'' (RIN 0938–AK81) received on May 31, 2006; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SPECTER for the Committee on the Judiciary.

Andrew J. Guilford, of California, to be United States District Judge for the Central District of California.

Charles P. Rosenberg, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK:

S. 3477. A bill to suspend temporarily the duty on certain athletic footwear valued at not over $2.50; to the Committee on Finance.

By Mr. BOND (for himself and Mr. TALENT):

S. 3478. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK:

S. 3479. A bill to suspend temporarily the duty on numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. COLEMAN):

S. 3480. A bill to prevent abuse of Government credit cards; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE:

S. 3481. A bill to require the Government Accountability Office to submit a report to Congress on the compliance of the Postal Service with procedural requirements in the closing of the postal sorting facility in Aberdeen, South Dakota, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself and Mrs. CLINTON):

S. 3482. A bill to provide for the establishment of a volunteer corps to aid in the dissemination and distribution of vaccines and other countermeasures during a public health emergency; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. LIEBERMAN):

S. 3483. A bill to improve national competitiveness through enhanced education initiatives; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself and Ms. CANTWELL):

S. 3484. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN:

S. 3485. A bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. LEAHY, and Ms. STABENOW)):

S. 3486. A bill to protect the privacy of veterans, spouses of veterans, and other persons affected by the security breach at the Department of Veterans Affairs on May 3, 2006, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. PRYOR):

S. 3487. A bill to amend the Small Business Act to reauthorize and improve the disaster loan program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. REID):

S. Res. 505. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

By Ms. STABENOW (for herself, Ms. SNOWE, Mrs. MURRAY, and Mr. LAUTENBERG):

S. Res. 506. A resolution to designate the period beginning on June 5, 2006, and ending on June 8, 2006, as ''National Health IT Week''; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. ALLEN, Ms. COLLINS, Mr. FRIST, Ms. MIKULSKI, Mr. PRYOR, Mr. SANTORUM, Mr. SMITH, Mrs. CLINTON, Mr. REID, Mrs. DOLE, and Mr. INHOFE):

S. Con. Res. 98. A concurrent resolution commemorating the 39th anniversary of the reunification of the city of Jerusalem; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 602

At the request of Ms. MIKULSKI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 602, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 843

At the request of Mr. SANTORUM, the names of the Senator from Florida (Mr. NELSON) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. GREGG) 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. 1330

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1330, a bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes.

S. 1353

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1522

At the request of Mr. CHAMBLISS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1522, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1522, supra.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1575

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 1687

At the request of Ms. MIKULSKI, the names of the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1691

At the request of Mr. CRAIG, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1691, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1741

At the request of Mr. VOINOVICH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2140

At the request of Mr. HATCH, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors 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. 2243

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2243, a bill to make college more affordable by expanding and enhancing financial aid options for students and their families and providing loan forgiveness opportunities for public service employees, and for other purposes.

S. 2393

At the request of Mr. COLEMAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2416

At the request of Mr. BURNS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2435

At the request of Mr. LUGAR, the names of the Senator from Ohio (Mr. DEWINE), the Senator from North Dakota (Mr. DORGAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2435, a bill 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, and for other purposes.

S. 2461

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Mr. SARBANES) 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. 2467

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr.

SMITH), the Senator from South Carolina (Mr. GRAHAM) and the Senator from South Dakota (Mr. JOHNSON) 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. 2592

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2592, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 2599

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2629

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) 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. 2704

At the request of Mr. DEWINE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2704, a bill to revise and extend the National Police Athletic League Youth Enrichment Act of 2000.

S. 2787

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2787, a bill to permit United States persons to participate in the exploration for and the extraction of hydrocarbon resources from any portion of a foreign maritime exclusive economic zone that is contiguous to the exclusive economic zone of the United States, and for other purposes.

S. 2970

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2970, a bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes.

S. 3275

At the request of Mr. ALLEN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 3275, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the names of the Senator from Utah (Mr. HATCH) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BOND (for himself and Mr. TALENT):

S. 3478. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Energy and Natural Resources.

Mr. BOND. Today, I and Senator JIM TALENT introduce the Easement Owners Fair Compensation Act of 2006. This bill will right a wrong done to property owners from whom the government took property without compensation. It will also ensure that future property owners are treated fairly when the government seeks to take their property through eminent domain.

In 1992, the federal government confiscated property owned by 102 St. Louis County, Missouri residents through the Federal Rails to Trails Act. The taking imposed an easement on their property for a public recreational hiking/biking trail. A trail easement was established on their property on December 20, 1992. After twelve years of bureaucratic fighting and delay, the Justice Department admitted the government's takings liability and agreed to pay the property owners $2,385,000.85 for their property, interest and legal fees.

However, two days before the U.S. Court of Claims was scheduled to approve the compensation agreement, the U.S. Federal Circuit issued the Caldwell decision regarding a rails-to-trails takings case in Georgia. That decision established the statute of limitations for rails-to-trails claims as the date of notice of interim trail use, not the date the trail easement was imposed on the property, as previously assumed. Under the new date, the statute of limitations on the St. Louis County takings claim had expired. The Justice Department accordingly sought dismissal of the claims without payment and the Court of Claims judge agreed.

This bill is a Senate companion to H.R. 4581 introduced by Representative AKIN and cosponsored by Representatives CARNAHAN and EMERSON. The legislation sets the statute of limitations as beginning on the date an interest is conveyed. It also allows for reconsideration of past claims dismissed because of this issue.

Without this bill, we will allow the wrong committed by the federal government to stand. The federal government took private property, admitted it owed the property owners over $2,000,000, and then refused to pay because of a technicality. That is no way to treat our citizens. That is no way to run a rails-to-trails program. That is no way to encourage future recreational hiking and biking. I urge my colleagues to support this legislation.

By Mr. GRASSLEY (for himself and Mr. COLEMAN):

S. 3480. A bill to prevent abuse of Government credit cards; to the Committee on Homeland Security and Government Affairs.

Mr. GRASSLEY. Mr. President, today I am reintroducing the Government Credit Card Abuse Prevention Act to address, in a comprehensive way, the abuse, misuse, and fraud that has occurred with Government charge cards. Some people might ask, ''Why are you bothering with legislation? Is it that big of a problem?'' It is true that most Government employees who are entrusted with a travel card or a purchase card do not abuse it. It may also be true that the amount of money concerned is only a fraction of any agency's annual budget. Well, when you have agencies like the Department of Defense with an over $500 billion budget, even a small fraction means a lot of taxpayers' money. When I asked GAO to look into instances of waste, fraud, and abuse with Government charge cards, starting with the Department of Defense, we found that purchase cards were used to spend taxpayer money for a sapphire ring, LA-Z-Boy reclining rocking chairs, and a dinner party for a general at Treasure Island Hotel and Casino that included $800 for alcohol. Government travel cards were used for gambling, sporting events, concerts, cruises, and even gentlemen's clubs and legalized brothels. Government travel cards are for official travel-related expenses only, not tickets to a Dallas Cowboys game or a Janet Jackson concert, but these are real examples of improper purchases GAO uncovered in reports I had requested. While travel cards are not paid directly with taxpayers' money like purchase cards, failure by employees to repay these cards results in the loss of millions of dollars in rebates to the Federal Government. Also, when credit card companies are forced to charge off bad debt, they raise interest rates and fees on everyone else.

Based on what we found in DoD, I worked with GAO to uncover similar problems in the U.S. Forest Service where one employee purchased five digital cameras at a cost of $2,960, six computers for $6,019, three palm pilots totaling $736, jewelry worth $1,967, and $6,101 in other items like cordless telephones, figurines, and Sony Playstations, all for personal use and all at taxpayer expense. GAO subsequently found similar problems at

other agencies like the Federal Aviation Administration and the Department of Housing an Urban Development. I have cited just some of the extreme examples, but there are many more instances where employees purchased items that were not needed by the agency or where a cheaper alternative would meet the purpose just as well. This occurred because of weak internal controls within the agencies and is something that clearly needs to be addressed governmentwide. Based on oversight from Congress, GAO, and agency inspectors general, the situation has improved in many agencies and I am pleased that the Office of Management and Budget has begun to bring about an improved control environment through direction contained in OMB Circular 123. However, there is more to be done and my experience has convinced me that legislation is necessary.

The Government Credit Card Abuse Prevention Act is largely based on the recommendations by GAO regarding what controls are necessary to prevent the kinds of waste, fraud, and abuse we have uncovered. Since I originally introduced this legislation in the last Congress, I have collected input and ideas and worked to refine the bill to make it both comprehensive and workable. The provisions in my bill are simply commonsense internal controls that should be present in every Federal agency to prevent improper purchases. These include: performing credit checks for travel cardholders and issuing restricted cards for those with poor or no credit to reduce the potential for misuse; maintaining a record of each cardholder, including single transaction limits and total credit limits so agencies can effectively manage their cardholders; implementing periodic reviews to determine if cardholders have a need for a card; properly recording rebates to the Government based on prompt payment; providing training for cardholders and managers; utilizing available technologies to prevent or catch fraudulent purchases; establishing specific policies about the number of cards to be issued, the credit limits for certain categories of cardholders, and categories of employees eligible to be issued cards; invalidating cards when employees leave the agency or transfer; establishing an approving official other than the purchase cardholder so employees cannot approve their own purchases; reconciling purchase card charges on the bill with receipts and supporting documentation; submitting disputed purchase card charges to the bank according to the proper procedure; making purchase card payments promptly to avoid interest penalties; retaining records of purchase card transactions in accordance with standard Government recordkeeping polices; utilizing mandatory split disbursements when reimbursing employees for travel card purchases to ensure that travel card bills get paid; comparing items submitted on travel vouchers with items already paid for with centrally billed accounts to avoid reimbursing employees for items already paid for by the agency; and submitting refund requests for unused airline tickets so the taxpayers don't pay for tickets that were not used.

My bill would also provide that each agency inspector general will periodically conduct risk assessments of agency purchase card and travel card programs and perform periodic audits to identify potential fraudulent, improper, and abusive use of cards. We have had great success working with inspectors general using techniques like data mining to reveal instances of improper use of government charge cards. Having this information on an ongoing basis will help in strengthening and maintaining a rigorous system of internal controls to prevent future instances of waste, fraud, and abuse with government charge cards. In addition, my bill requires penalties so that employees who abuse Government charge cards cannot get away scotfree. In cases of serious misuse or fraud, the bill provides that employees must be dismissed and suspected cases of fraud will also be referred to the appropriate U.S. attorney for prosecution under Federal antifraud laws. Hopefully this will send a clear message that such activity will not be tolerated so as to act as a deterrent for others.

I am proud of the oversight work that I do to uncover waste, fraud, and abuse, but sometimes I feel like Sisyphus, doomed to eternally roll a boulder up a hill only to see it fall again. Instead of eternally looking over the shoulder of agencies to find waste that should never have occurred and then poking and prodding them to close the barn door after the horse has gotten out, we need to put the internal controls in place to make sure these problems don't happen in the first place. This bill will accomplish that for the Government charge card programs so that American taxpayers can sleep soundly knowing that their money isn't being charged away by some bureaucrat. I hope my colleagues will support this commonsense measure and that it will be enacted into law in short order.

By Mr. ENSIGN (for himself and Mr. LIEBERMAN):

S. 3483. A bill to improve national competitiveness through enhanced education initiatives; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, along with my colleague from Nevada, Senator ENSIGN, the ''National Innovation Education Act''. The intent of this bill is to enhance our science and technology talent base and improve national competitiveness through strengthened education initiatives. Enhancing academic success, particularly in the fields of science, technology, engineering and math—often called the STEM disciplines—through innovative educational programs will stimulate change and growth within elementary, secondary and postsecondary institutions, improve current educational opportunities for all students, allow graduates greater opportunity for economic success and greater ability to successfully compete in the global market.

This bill proposes initiatives spanning the education spectrum that seek to improve quality instruction and access to STEM learning for all students. Recent recommendations from the Council on Competitiveness and The Augustine Commission at the National Academy of Sciences, among others, target national concerns around the content and quality of K–16 in STEM disciplines, particularly with regard to minority and low-income students, the need to stimulate innovation, and the need to enhance teacher preparation and professional development in the STEM fields.

An increasing number of researchers express alarm at the nearly one out of three public high school students who won't graduate and the failure of our systems to adequately prepare high school graduates, and particularly minorities, for success in college and the work place. Addressing the challenge of successfully thriving in a world of change, the Council on Competitiveness examined the pressing issue of attracting more young Americans to science and engineering fields. Currently, less than 15 percent of U.S. students have the prerequisite skills to pursue scientific or technical degrees in college. Only 5.5 percent of the 1.1 million high school seniors who took the college entrance exam in 2002 planned to pursue an engineering degree. And there continues to be poor representation of women and minorities in these fields. The National Academies report, ''Rising Above the Gathering Storm,'' notes that amongst the U.S. science and technology workforce 38 percent of PhDs were foreign born. Changes need to be enacted to not only increase the number of students pursuing math and science degrees but to prepare them to pursue these degrees.

Indeed, numerous national reports in recent years have called for efforts to improve K–12 education, teacher preparation and professional development in the STEM areas. Recommendations include increasing the numbers of postsecondary students pursuing careers in the areas of mathematics, science, engineering, and technology and increasing the numbers of postsecondary students in the STEM fields who will then pursue concurrent degrees in education. Increasing funding for not only STEM education but STEM research has received strong recommendations as an important and timely approach to addressing improvements in education and innovation. Finally, a critical factor to ensuring program success is the ability to engage and then hold students' interests in the various STEM fields enough to encourage them to pursue STEM careers.

Our bill seeks to craft a comprehensive response to many of these issues, and includes the following provisions.

Title I—Improving Pre-kindergarten Through Grade 16, supplies a remedy to the critical issue of the disconnect existing between high school outcomes and college expectations. Through the formation of partnerships between P–12 and higher education systems in the states—P–16 Commissions—academic success in postsecondary education becomes the priority agenda item for reform. We anticipate that P–16 Commissions will bring about an increase in the percentage of academically prepared students, particularly low-income and minority students, and a decrease in the percentage of college students requiring remedial coursework, particularly with respect to math, science, and engineering.

Many States across our country have already seen the wisdom of a P–16 Commission and have been working on goals and implementation. The results, although preliminary for many States, are vastly encouraging. Title I will provide support both to States with existing P–16 bodies, or States seeking to establish such commissions. It will give priority to the States also seeking to establish or enhance data systems. We hope that States will have an opportunity to craft a vision that will reach all students over time so that their educational pathway of access to and success in college will be ensured.

Magnet schools have the capacity to create learning environments tailored to the interests and needs of its community and can offer a focused curriculum capable of attracting substantial numbers of students of different racial backgrounds. Title II of our bill authorizes the National Science Foundation to award grants to assist in the promotion of innovation and competitiveness through the development and implementation of magnet school programs. These programs would encourage students to meet state academic content standards through the development and design of innovative educational methods, practices and curricula that promote student achievement in STEM courses and encourage student enrollment in postsecondary institutions.

In addition, Title II authorizes NSF grants to elementary and middle schools creating pilot programs implementing innovation-based experiential learning environments. Innovation-based experiential learning is a teaching model that seeks to seed traditional technical studies with new exposure to methods for creative thinking and translating ideas into practical applications. Such programs would likely involve immersing students in hands-on experimentation that helps students discover new concepts and use those concepts to solve real-world problems.

The interrelated demands that mathematics and science education places upon schools to prepare both teachers and students must be addressed consecutively. Teachers need to be better prepared to teach STEM topics across the board and students need to have access to teachers who are well versed in their content subjects.

Title III of our bill authorizes funding to increase the number of graduates from postsecondary institutions with concurrent degrees in education and STEM fields. This program is based on the successful UTeach model at the University of Texas at Austin. Encouraging science and math majors to concurrently pursue certification in the field of education will help increase the number and quality of teachers in these fields. The model program at the University of Texas has experienced impressive success in attracting and keeping promising young STEM teachers. Our bill also calls for the establishment of Teacher Professional Development Institutes to promote innovative and effective approaches to improving teacher quality by providing professional development support for educators already in the classroom. The Teacher Institute Model encourages collaboration between urban teachers and university faculty to improve student learning by enhancing teacher mastery of subject matter. It is based upon the model which has been in operation at Yale University in New Haven, CT for over 25 years.

Our Nation recognizes the pressing need to increase funding for STEM research and boost the number of students in undergraduate and graduate programs pursuing mathematics and science degrees for our country's continued development, prosperity and security.

Within the final title of our bill, Title IV, NSF basic research funding is doubled. NSF is authorized to expand funding for STEM education through increased fellowships and trainee programs at the undergraduate and graduate level. A clearinghouse at the National Science Foundation of successful professional science master's degree program elements will be made available to postsecondary institutions as well as grants for developing pilot programs or improving current programs. In addition the NSF Tech Talent program is reauthorized with increased funding. This program provides competitive grants to undergraduate universities to develop new methods of increasing the number of students receiving degrees in science, math, and engineering. Finally, it is in our interest to examine and understand the emerging field of services sciences, a multidisciplinary curriculum partnering science, technology, engineering, and math with management and business disciplines. To this end, the National Science Foundation will conduct a collaborative study with leaders from institutions of higher education to come to an understanding of how best to support this new field.

Our National Innovation Education Act takes a broad and comprehensive approach to addressing national prosperity, security and our ability to compete internationally with recommendations for enhanced education initiatives in order to improve our national competitiveness. Improving current education for all students will allow graduates greater opportunity for economic success and greater ability to successfully compete in the global market. Our very Nation's future prosperity and security depends upon our willingness as leaders to infuse education with the requisite innovative vision that will inspire our youth to reach for goals that are achievable only beyond the ordinary bounds.

I urge my colleagues to act favorably on this measure. I ask unanimous consent that the text of this 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. 3483

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 ''National Innovation Education Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—IMPROVING PREKINDERGARTEN THROUGH GRADE 16 EDUCATION

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. P-16 education stewardship system grants.
Sec. 105. State application and plan.
Sec. 106. P-16 education stewardship commission.
Sec. 107. P-16 education data system.
Sec. 108. Reports; technical assistance.
Sec. 109. Authorization of appropriations.

TITLE II—NATIONAL SCIENCE FOUNDATION MAGNET SCHOOLS AND INNOVATION-BASED LEARNING

Sec. 201. General definitions.
Sec. 202. Magnet schools.
Sec. 203. Innovation-based experiential learning.

TITLE III—TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT

Sec. 301 Baccalaureate degrees in mathematics and science with teacher certification.
Sec. 302. Teachers professional development institutes.

TITLE IV—STEM EDUCATION AND RESEARCH

Sec. 401. Definitions.
Sec. 402. Graduate fellowships and graduate traineeships.
Sec. 403. Professional science master's degree programs.
Sec. 404. Increased support for science education through the National Science Foundation.
Sec. 405. A national commitment to basic research.
Sec. 406. Study on service science.

TITLE I—IMPROVING PREKINDERGARTEN THROUGH GRADE 16 EDUCATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''College Pathway Act of 2006''.

SEC. 102. PURPOSES.

The purposes of this title are the following:

(1) To broaden the focus of Federal, State, and local higher education programs to promote academic success in postsecondary education, particularly with respect to mathematics, science, engineering, and technology.

(2) To increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework.

(3) To decrease the percentage of students requiring developmental coursework through grants that enable States to coordinate the public prekindergarten through grade 12 education system and the postsecondary education system—

(A) to ensure that covered institutions articulate and publicize the prerequisite skills and knowledge expected of incoming postsecondary students attending covered institutions, in order to provide students and other interested parties with accurate information pertaining to the students' necessary preparations for postsecondary education;

(B) to establish and implement middle school and secondary school course enrollment guidelines while ensuring rigorous content standards—

(i) to ensure that public secondary school students, in all major racial and ethnic groups, and income levels, complete academic courses linked with academic success in mathematics, science, engineering, and technology at the postsecondary level; and

(ii) to increase the percentage of students in each major racial group, ethnic group, and income level who graduate from secondary school and enter postsecondary education with the academic preparation necessary to successfully complete postsecondary-level general education coursework, particularly with respect to mathematics, science, engineering, and technology;

(C) to implement programs and policies that increase secondary school graduation rates while ensuring rigorous content standards; and

(D) to collect and analyze disaggregated longitudinal student data throughout P–16 education in order to—

(i) understand and improve students' progress throughout P–16 education;

(ii) understand problems and needs throughout P–16 education; and

(iii) align prekindergarten through grade 12 academic standards and higher education standards so that more students are prepared to successfully complete postsecondary-level general education coursework.

SEC. 103. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms ''local educational agency'', ''parent'', ''secondary school'', and ''State'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ACADEMIC ASSESSMENTS.—The term ''academic assessments'' means the academic assessments implemented by a State educational agency pursuant to section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(3) ACADEMIC STANDARDS.—The term ''academic standards'' means the challenging academic content standards and challenging student academic achievement standards adopted by a State pursuant to section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

(4) COVERED INSTITUTION.—The term ''covered institution'' means an institution of higher education that participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(5) DEVELOPMENTAL COURSEWORK.—The term ''developmental coursework'' means coursework that a student is required to complete in order to attain prerequisite knowledge or skills necessary for entrance into a postsecondary degree or certification program.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(7) P–16 EDUCATION.—The term ''P–16 education'' means the educational system from prekindergarten through the conferring of a baccalaureate degree.

(8) P–16 EDUCATOR.—The term ''P–16 educator'' means an individual teaching in P–16 education.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(10) STUDENT.—The term ''student'' means any student enrolled in a public school.

SEC. 104. P-16 EDUCATION STEWARDSHIP SYSTEM GRANTS.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 109 for a fiscal year, and subject to subsection (b), the Secretary shall award grants, on a competitive basis, to States to enable the States—

(1) to establish—

(A) P–16 education stewardship commissions in accordance with section 106; or

(B) P–16 education stewardship systems consisting of—

(i) a P–16 education stewardship commission in accordance with section 106; and

(ii) a P–16 education data system in accordance with section 107; and

(2) to carry out the activities and programs described in the State application and plan submitted under section 105.

(b) AWARD BASIS.—In determining the approval and amount of a grant under subsection (a), the Secretary shall give priority to an application from a State that desires the grant to establish a P–16 education stewardship system described in subsection (a)(1)(B).

(c) PERIOD OF GRANTS.—

(1) STATES ESTABLISHING P–16 EDUCATION STEWARDSHIP SYSTEMS.—Each grant made under this section to a State to establish a P–16 education stewardship system described in subsection (a)(1)(B) shall be awarded for a period of 5 years.

(2) STATES ESTABLISHING P–16 EDUCATION STEWARDSHIP COMMISSIONS.—Each grant made under this section to a State to establish a P–16 education stewardship commission described in subsection (a)(1)(A) shall be awarded for a period of 3 years.

SEC. 105. STATE APPLICATION AND PLAN.

(a) IN GENERAL.—A State desiring a grant under section 104 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted under this section shall include, at a minimum, the following:

(1) A demonstration that the State, not later than 5 months after receiving grant funds under this title, will establish a P–16 education stewardship commission described in section 106.

(2) For a state applying for a grant under section 104(a)(1)(B), a demonstration that the State, not later than 2 years after receiving grant funds under this title, will implement, expand, or improve a P–16 education data system described in section 107.

(3) A demonstration that the State will work with the State P–16 education stewardship commission and others as necessary to examine the relationship among the content of postsecondary education admission and placement exams, the prerequisite skills and knowledge required to successfully take postsecondary-level general education coursework, the prekindergarten through grade 12 courses and academic factors associated with academic success at the postsecondary level, particularly with respect to mathematics, science, engineering, and technology, and existing academic standards and aligned academic assessments.

(4) A description of how the State will, using the information from the State P–16 education stewardship commission, increase the percentage of students taking courses that have the highest correlation of academic success at the postsecondary level, for each of the following groups of students:

(A) Economically disadvantaged students.

(B) Students from each major racial and ethnic group.

(C) Students with disabilities.

(D) Students with limited English proficiency.

(5) A description of how the State will distribute the information in the P–16 education stewardship commission's report under section 106(c)(4) to the public in the State, including public secondary schools, local educational agencies, school counselors, P–16 educators, institutions of higher education, students, and parents.

(6) An assurance that the State will continue to pursue effective P–16 education alignment strategies after the end of the grant period.

SEC. 106. P-16 EDUCATION STEWARDSHIP COMMISSION.

(a) P–16 EDUCATION STEWARDSHIP COMMISSION.—

(1) IN GENERAL.—Each State receiving a grant under section 104 shall establish a P–16 education stewardship commission that has the policymaking ability to meet the requirements of this section.

(2) EXISTING COMMISSION.—The State may designate an existing coordinating body or commission as the State P–16 education stewardship commission for purposes of this title, if the body or commission meets, or is amended to meet, the basic requirements of this section.

(b) MEMBERSHIP.—

(1) COMPOSITION.—Each P–16 education stewardship commission shall be composed of the Governor of the State, or the designee of the Governor, and the stakeholders of the statewide education community, as determined by the Governor or the designee of the Governor, such as—

(A) the chief State official responsible for administering prekindergarten through grade 12 education in the State;

(B) the chief State official of the entity primarily responsible for the supervision of institutions of higher education in the State;

(C) bipartisan representation from the State legislative committee with jurisdiction over prekindergarten through grade 12 education and higher education;

(D) representatives of 2- and 4-year institutions of higher education in the State;

(E) representatives of the business community; and

(F) at the discretion of the Governor, or the designee of the Governor, representatives from prekindergarten through grade 12 and higher education governing boards and other organizations.

(2) CHAIRPERSON; MEETINGS.—The Governor of the State, or the designee of the Governor, shall serve as chairperson of the P–16 education stewardship commission and shall convene regular meetings of the commission.

(c) DUTIES OF THE COMMISSION.—

(1) MEETINGS OF COVERED INSTITUTIONS.—

(A) IN GENERAL.—Each State P–16 education stewardship commission shall convene regular meetings of the covered institutions in the State for the purpose of assessing and reaching consensus regarding—

(i) the prerequisite skills and knowledge expected of incoming freshmen to successfully engage in and complete postsecondary-level general education coursework without the prior need to enroll in developmental coursework; and

(ii) patterns of coursework and other academic factors that demonstrate the highest correlation with success in completing postsecondary-level general education coursework and degree or certification programs, particularly with respect to mathematics, science, engineering, and technology.

(B) FINDINGS OF COVERED INSTITUTIONS.—The covered institutions shall communicate to the P–16 education stewardship commission the findings of the covered institutions, which—

(i) shall include the consensus on the prerequisite skills and knowledge, patterns of coursework, and other academic factors described in subparagraph (A);

(ii) shall address, at minimum, the subjects of reading or language arts, history, mathematics, science, technology, and engineering, and may cover additional academic content areas;

(iii) shall be descriptive of content and purpose, and shall not be limited to a simple listing of secondary course names; and

(iv) may be different for 2- and 4-year institutions of higher education.

(2) COMMISSION RECOMMENDATIONS.—Not later than 18 months after a State receives a grant under section 104, and annually thereafter for each year in the grant period, the State P–16 education stewardship commission shall—

(A) develop recommendations regarding the prerequisite skills and knowledge, patterns of coursework, and other academic factors described in paragraph (1)(A); and

(B) develop recommendations and enact policies to increase the success rate of students in the students' transition from secondary school to postsecondary education, including policies to increase success rates for—

(i) students of economic disadvantage;

(ii) students of racial and ethnic minorities;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

(3) COMMISSION FINDINGS.—Not later than 3 years after a State receives a grant under section 104(a)(1)(B), the State P–16 education stewardship commission shall—

(A) compile and interpret the findings from the P–16 education data system; and

(B) include the compilation and interpretation of the findings in the report described in paragraph (4)(A).

(4) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after a State receives a grant under section 104, and annually thereafter for each year in the grant period, the State P–16 education stewardship commission shall prepare and submit to the Secretary a clear and concise report that shall include the recommendations described in subparagraphs (A) and (B) of paragraph (2).

(B) DISTRIBUTION TO THE PUBLIC.—Not later than 60 days after the submission of a report under subparagraph (A), each State P–16 education stewardship commission shall publish and widely distribute the information in the report to the public in the State, including—

(i) all public secondary schools and local educational agencies;

(ii) school counselors;

(iii) P–16 educators;

(iv) institutions of higher education; and

(v) students and parents, especially students and parents of students listed in clauses (i) through (iv) of paragraph (2)(B) and those entering grade 9 in the next academic year, to assist students and parents in making informed and strategic course enrollment decisions.

SEC. 107. P-16 EDUCATION DATA SYSTEM.

(a) ESTABLISHMENT.—Not later than 2 years after a State receives a grant under section 104(a)(1)(B), the State shall establish a Statewide longitudinal data system that provides each student, upon enrollment in a public school or in a covered institution in the State, with a unique identifier that is retained throughout the student's enrollment in P–16 education in the State.

(b) VALID DATA AND COMPLIANCE WITH FERPA.—The State, through the implementation of the data system described in subsection (a), shall—

(1) ensure the implementation and use of valid and reliable secondary school dropout data; and

(2) ensure that the data system is compliant with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(c) REQUIRED ELEMENTS OF A STATEWIDE DATA SYSTEM.—The State shall ensure that the data system described in subsection (a) includes the following elements:

(1) A unique statewide student identifier.

(2) Student-level enrollment, demographic, and program participation information.

(3) Individual students' yearly test records.

(4) Information on students not tested by grade and subject.

(5) A teacher identifier system with the ability to match teachers to students.

(6) Student-level transcript information, including information on courses completed and grades earned.

(7) Student-level college readiness test scores.

(8) Student-level information about the points at which students exit, transfer in, transfer out, drop out, or graduate P–16 education.

(9) The capacity to communicate with higher education data systems.

(10) A State data audit system assessing data quality, validity, and reliability.

(d) FUNCTIONS OF THE STATEWIDE DATA SYSTEM.—In implementing the data system described in subsection (a), the State shall—

(1) identify factors that correlate to students' ability to successfully engage in and complete postsecondary-level general education coursework without the need for prior developmental coursework;

(2) identify factors to increase the percentage of low-income and minority students who are academically prepared to enter and successfully complete postsecondary-level general education coursework; and

(3) use data to otherwise inform education policy and practice.

(e) EXISTING DATA SYSTEMS.—A State may employ, coordinate, or revise an existing data system for purposes of this section if such data system produces valid and reliable information that satisfies the requirements of subsections (b) through (d).

SEC. 108. REPORTS; TECHNICAL ASSISTANCE.

(a) STATE REPORTS.—

(1) ANNUAL REPORT.—Each State that receives a grant under section 104 shall submit an annual report to the Secretary for each year of the grant period that shall include a description of the activities undertaken under the grant to improve academic readiness for postsecondary-level general education coursework and course completion.

(2) DISSEMINATION.—Each State shall prepare and widely disseminate the report described in paragraph (1) to the public in the State, including secondary schools, local educational agencies, school counselors, P–16 educators, institutions of higher education, students, and parents.

(b) SECRETARY REPORTS.—

(1) ANNUAL REPORT.—The Secretary shall submit an annual report to Congress that includes—

(A) findings from the State reports submitted under subsection (a)(1);

(B) a description of the actions taken by the Department of Education to assist States with creating P–16 education stewardship commissions and P–16 education data systems;

(C) a description of the actions and incentives planned by the States' P–16 education stewardship commissions—

(i) to help States align academic standards, courses, and academic assessments with postsecondary academic expectations, courses, and assessments;

(ii) to help States increase the percentage of minority and low-income students prepared to enter and succeed at the postsecondary level; and

(iii) to decrease postsecondary developmental coursework enrollment rates of minority and low-income students;

(D) a description of the actions and incentives planned to help States reduce postsecondary developmental coursework enrollment rates;

(E) an assessment of the effectiveness of P-16 education stewardship commissions in improving college readiness and eliminating the need for developmental coursework; and

(F) recommendations regarding how to make the P–16 education stewardship commissions more effective, and whether the establishment of such commissions should be encouraged throughout the United States.

(2) AVAILABILITY.—The Secretary shall make the annual report described in paragraph (1) available to the public and to each State and institution of higher education.

(c) TECHNICAL ASSISTANCE.—The Secretary shall provide, to the extent practicable, technical assistance to States and institutions of higher education seeking technical assistance under this title.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $55,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2011.

TITLE II—NATIONAL SCIENCE FOUNDATION MAGNET SCHOOLS AND INNOVATION-BASED LEARNING

SEC. 201. GENERAL DEFINITIONS.

Except as otherwise provided, the terms used in this title have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 202. MAGNET SCHOOLS.

(a) PURPOSE.—The purpose of this section is to assist in the promotion of innovation and competitiveness by providing financial assistance to eligible local educational agencies for—

(1) the development and implementation of magnet school programs that will assist eligible local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;

(2) the development and design of innovative educational methods, practices, and curriculum that promote student achievement in science, mathematics, and technology courses;

(3) improving the capacity of eligible local educational agencies, including through professional development, to continue operating

magnet schools after Federal funding for the magnet schools is terminated; and

(4) ensuring that students enrolled in such schools have access to a high quality education that will enable such students to succeed academically and enroll in postsecondary education at a high level.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency described in section 5304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7231c).

(3) MAGNET SCHOOL.—The term ''magnet school'' means a public elementary school or public secondary school that—

(A) offers a curriculum focused on science, mathematics, and technology; and

(B) attracts a substantial number of students from different racial backgrounds.

(c) PROGRAM AUTHORIZED.—The Director, in accordance with this section, is authorized to award grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this section for magnet schools.

(d) APPLICATIONS AND REQUIREMENTS.—

(1) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information and assurances as the Director may reasonably require.

(2) INFORMATION AND ASSURANCES.—Each application submitted under paragraph (1) shall include—

(A) a description of—

(i) how a grant awarded under this section will be used to promote instruction in science, mathematics, and technology;

(ii) the manner and extent to which the magnet school program will increase student academic achievement in the instructional areas offered by the school;

(iii) how the applicant will continue the magnet school program after assistance under this section is no longer available;

(iv) how grant funds under this section will be used—

(I) to improve student academic achievement for all students attending the magnet school programs; and

(II) to implement services and activities that are consistent with programs under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.); and

(v) the criteria to be used in selecting students to attend the proposed magnet school program; and

(B) assurances that the applicant will—

(i) use grant funds under this section for the purpose specified in subsection (a);

(ii) employ highly qualified teachers in the courses of instruction assisted under this section; and

(iii) carry out a high-quality education program that will encourage greater parental involvement in decision making.

(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to applicants that propose to carry out new magnet school programs or significantly revise existing magnet school programs.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Grant funds made available under this section may be used by an eligible local educational agency or consortium of such agencies—

(A) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

(B) for the acquisition of books, materials, and equipment (including computers), and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;

(C) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are highly qualified, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;

(D) for activities, which may include professional development, that will build the capacity of the eligible local educational agency, or consortium of such agencies, to operate magnet school programs once the grant period has ended;

(E) to enable the eligible local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

(F) to enable the eligible local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all elementary school and secondary school grades.

(2) SPECIAL RULE.—Grant funds under this section may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving—

(A) student academic achievement based on the State's challenging academic content standards and student academic achievement standards; or

(B) student skills in or knowledge of mathematics, science, and technology as well as other core academic subjects.

(g) PROHIBITION.—Grants under this section may not be used for transportation or any activity that does not augment academic improvement.

(h) LIMITATION.—

(1) DURATION OF AWARDS.—A grant under this section shall be awarded for a period that shall not exceed 3 fiscal years.

(2) LIMITATION ON PLANNING FUNDS.—An eligible local educational agency, or consortium of agencies, may expend for planning (professional development shall not be considered to be planning for the purposes of this subsection) not more than 50 percent of the grant funds received under this section for the first year of the program and not more than 15 percent of such funds for each of the second and third such years.

(3) AMOUNT.—No eligible local educational agency, or consortium of such agencies, awarded a grant under this section shall receive more than $4,000,000 under this section for any one fiscal year.

(4) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this section not later than July 1 of the applicable fiscal year.

(i) EVALUATIONS.—

(1) RESERVATION.—The Director may reserve not more than 2 percent of the funds appropriated to carry out this section for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this section.

(2) CONTENTS.—Each evaluation described in paragraph (1) at a minimum shall address—

(A) how and the extent to which magnet school programs lead to educational quality and improvement;

(B) the extent to which magnet school programs enhance student access to high quality education; and

(C) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocation of such magnet school programs.

SEC. 203. INNOVATION-BASED EXPERIENTIAL LEARNING.

(a) PILOT PROGRAM.—

(1) PROGRAM AUTHORIZED.—The Director of the National Science Foundation shall award grants to local educational agencies to enable the local educational agencies to implement innovation-based experiential learning in a total of 500 elementary schools or middle schools in the United States.

(2) APPLICATION.—A local educational agency desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Science Foundation may require.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2007 and $20,000,000 for each of the fiscal years 2008 and 2009.

TITLE III—TEACHER TRAINING AND PROFESSIONAL DEVELOPMENT

SEC. 301. BACCALAUREATE DEGREES IN MATHEMATICS AND SCIENCE WITH TEACHER CERTIFICATION.

(a) DEFINITIONS.—Unless otherwise specified in this section, the terms used in this section have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) GRANTS AUTHORIZED.—From the amounts authorized under subsection (h), the Secretary shall award grants to eligible recipients to enable the eligible recipients to provide integrated courses of study in mathematics, science, or engineering and teacher education, that lead to a baccalaureate degree in mathematics, science, or engineering with concurrent teacher certification.

(c) DEFINITION OF ELIGIBLE RECIPIENT.—In this section, the term ''eligible recipient'' means any department of mathematics, science, or engineering of an institution of higher education.

(d) AWARD AND DURATION.—

(1) AWARD.—The Secretary shall award a grant under this section to each eligible recipient that collaborates with a teacher preparation program at an institution of higher education to develop undergraduate degrees in mathematics, science, or engineering with pedagogy education and teacher certification.

(2) DURATION.—The Secretary shall award a grant under this section to each eligible recipient in an amount that is not more than $1,000,000 per year for a period of 5 years.

(e) MATCHING REQUIREMENT.—Each eligible recipient receiving a grant under this section shall provide, from non-Federal sources (provided in cash or in kind), to carry out the activities supported by the grant, an amount that is not less than 25 percent of the amount of the grant for the first year of the grant, not less than 35 percent of the amount of the grant for the second year of the grant, and not less than 50 percent of the amount of the grant for each succeeding fiscal year of the grant.

(f) APPLICATION.—

(1) IN GENERAL.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include—

(A) a description of how the eligible recipient will use grant funds to develop and administer undergraduate degrees in mathematics, science, or engineering with pedagogy education and teacher certification, including a description of proposed high-quality research and laboratory experiences that will be available to students;

(B) a description of how the mathematics, science, or engineering departments will coordinate with a teacher preparation program to carry out the activities authorized under this section;

(C) a resource assessment that describes the resources available to the eligible recipient, the intended use of the grant funds, and the commitment of the resources of the eligible recipient to the activities assisted under this section, including financial support, faculty participation, time commitments, and continuation of the activities assisted under the grant when the grant period ends;

(D) an evaluation plan, including measurable objectives and benchmarks for—

(i) improving student retention;

(ii) increasing the percentage of highly qualified mathematics and science teachers; and

(iii) improving kindergarten through grade 12 student academic performance in mathematics and science;

(E) a description of the activities the eligible recipient will conduct to ensure graduates of the program keep informed of the latest developments in the respective fields;

(F) a description of how the eligible recipient will work with local educational agencies in the area in which the eligible recipient is located and, to the extent practicable, with local educational agencies where graduates of the program authorized under this section are employed, to ensure that the activities required under subsection (g)(3) are carried out; and

(G) a description of efforts to encourage applications to the program from underrepresented groups, including women and minority groups.

(g) AUTHORIZED ACTIVITIES.—An eligible recipient shall use the funds received under this section—

(1) to develop and administer teacher education and certification programs with in-depth content education and subject-specific education in pedagogy, leading to baccalaureate degrees in mathematics, science, or engineering with concurrent teacher certification;

(2) to offer high-quality research experiences and training in the use of educational technology; and

(3) to work with local educational agencies in the area in which the eligible recipient is located and, to the extent practicable, with local educational agencies where graduates of the program authorized under this section are employed, to support the new teachers during the initial years of teaching, which may include—

(A) promoting effective teaching skills;

(B) development of skills in educational interventions based on scientifically-based research;

(C) providing opportunities for high-quality teacher mentoring;

(D) providing opportunities for regular professional development;

(E) interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers; and

(F) allowing time for joint lesson planning and other constructive collaborative activities.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2013.

SEC. 302. TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES.

Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTES

"SEC. 241. SHORT TITLE.

''This part may be cited as the 'Teachers Professional Development Institutes Act'.

"SEC. 242. PURPOSE.

''The purpose of this part is to provide Federal assistance to support the establishment and operation of Teachers Professional Development Institutes for local educational agencies that serve significant low-income populations in States throughout the Nation—

''(1) to promote innovative and effective approaches to improving teacher quality through the use of the Teacher Institute Model that encourages collaboration between urban school teachers and university faculty;

''(2) to improve student learning; and

''(3) to enhance the quality of teaching by strengthening the subject matter mastery and pedagogical skills of current teachers through continuing teacher preparation, particularly with respect to mathematics, science, technology, and engineering.

"SEC. 243. DEFINITIONS.

''In this part:

''(1) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

''(2) SIGNIFICANT LOW-INCOME POPULATION.—The term 'significant low-income population' means a student population of which not less than 25 percent are from families with incomes below the poverty line.

''(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(4) TEACHERS PROFESSIONAL DEVELOPMENT INSTITUTE.—The term 'Teachers Professional Development Institute' means a partnership or joint venture between or among 1 or more institutions of higher education, and 1 or more local educational agencies serving a significant low-income population, which partnership or joint venture—

''(A) is entered into for the purpose of improving the quality of teaching and learning through collaborative seminars designed to enhance both the subject matter and the pedagogical resources of the seminar participants, particularly with respect to mathematics, science, technology, and engineering; and

''(B) works in collaboration to determine the direction and content of the collaborative seminars.

"SEC. 244. GRANT AUTHORITY.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to award grants to Teachers Professional Development Institutes to encourage the establishment and operation of Teachers Professional Development Institutes where not less than 50 percent of collaborative seminars are targeted to the fields of mathematics, science, technology, and engineering; and

''(2) to provide technical assistance, either directly or through existing Teachers Professional Development Institutes, to assist local educational agencies and institutions of higher education in preparing to establish and in operating Teachers Professional Development Institutes.

''(b) SELECTION CRITERIA.—In selecting a Teachers Professional Development Institute for a grant under this part, the Secretary shall consider—

''(1) the extent to which the proposed Teachers Professional Development Institute will serve a community with a significant low-income population;

''(2) the extent to which the proposed Teachers Professional Development Institute will follow the Understandings and Necessary Procedures that have been developed following the National Demonstration Project;

''(3) the extent to which the local educational agency participating in the proposed Teachers Professional Development Institute has a high percentage of teachers who are unprepared or under prepared to teach the core academic subjects the teachers are assigned to teach, particularly in the areas of mathematics, science, technology, and engineering; and

''(4) the extent to which the proposed Teachers Professional Development Institute will receive a level of support from the community and other sources that will ensure the requisite long-term commitment for the success of a Teachers Professional Development Institute.

''(c) CONSULTATION.—

''(1) IN GENERAL.—In evaluating applications under subsection (b), the Secretary may request the advice and assistance of existing Teachers Professional Development Institutes.

''(2) STATE AGENCIES.—If the Secretary receives 2 or more applications for new Teachers Professional Development Institutes that propose serving the same State, the Secretary shall consult with the State educational agency regarding the applications.

''(d) FISCAL AGENT.—For the purpose of this part, an institution of higher education participating in a Teachers Professional Development Institute shall serve as the fiscal agent for the receipt of grant funds under this part.

''(e) LIMITATIONS.—A grant under this part—

''(1) shall be awarded for a period not to exceed 5 years; and

''(2) shall not exceed 50 percent of the total costs of the eligible activities, as determined by the Secretary.

"SEC. 245. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—A Teachers Professional Development Institute that receives a grant under this part may use the grant funds—

''(1) for the planning and development of applications for the establishment of Teachers Professional Development Institutes;

''(2) to provide assistance to existing Teachers Professional Development Institutes established during the National Demonstration Project to enable the Teachers Professional Development Institutes—

''(A) to further develop existing Teachers Professional Development Institutes; or

''(B) to support the planning and development of applications for new Teachers Professional Development Institutes;

''(3) for the salary and necessary expenses of a full-time director to plan and manage such Teachers Professional Development Institute and to act as liaison between the participating local educational agency and institution of higher education;

''(4) to provide staff, equipment, and supplies, and to pay other operating expenses for the development and maintenance of Teachers Professional Development Institutes;

''(5) to provide stipends for teachers participating in collaborative seminars in the

sciences and humanities, and to provide remuneration for those members of the higher education faculty who lead the seminars; and

''(6) to provide for the dissemination through print and electronic means of curriculum units prepared in conjunction with Teachers Professional Development Institutes seminars.

''(b) TECHNICAL ASSISTANCE.—The Secretary may use not more than 25 percent of the funds appropriated to carry out this part to provide technical assistance to facilitate the establishment and operation of Teachers Professional Development Institutes. For the purpose of this subsection, the Secretary may contract with existing Teachers Professional Development Institutes to provide all or a part of the technical assistance under this subsection.

''SEC. 246. APPLICATION, APPROVAL, AND AGREEMENT.

''(a) IN GENERAL.—To receive a grant under this part, a Teachers Professional Development Institute shall submit an application to the Secretary that—

''(1) meets the requirement of this part and any regulations under this part;

''(2) includes a description of how the Teachers Professional Development Institute intends to use funds provided under the grant;

''(3) includes such information as the Secretary may require to apply the criteria described in section 244(b);

''(4) includes measurable objectives for the use of the funds provided under the grant; and

''(5) contains such other information and assurances as the Secretary may require.

''(b) APPROVAL.—The Secretary shall—

''(1) promptly evaluate an application received for a grant under this part; and

''(2) notify the applicant within 90 days of the receipt of a completed application of the Secretary's approval or disapproval of the application.

''(c) AGREEMENT.—Upon approval of an application, the Secretary and the Teachers Professional Development Institute shall enter into a comprehensive agreement covering the entire period of the grant.

''SEC. 247. REPORTS AND EVALUATIONS.

''(a) REPORT.—Each Teachers Professional Development Institute receiving a grant under this part shall report annually on the progress of the Teachers Professional Development Institute in achieving the purpose of this part and the purposes of the grant.

''(b) EVALUATION AND DISSEMINATION.—

''(1) EVALUATION.—The Secretary shall evaluate the activities funded under this part and submit an annual report regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

''(2) DISSEMINATION.—The Secretary shall broadly disseminate successful practices developed by Teachers Professional Development Institutes.

''(c) REVOCATION.—If the Secretary determines that a Teachers Professional Development Institute is not making substantial progress in achieving the purpose of this part and the purposes of the grant by the end of the second year of the grant under this part, the Secretary may take appropriate action, including revocation of further payments under the grant, to ensure that the funds available under this part are used in the most effective manner.

''SEC. 248. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part—

''(1) $4,000,000 for fiscal year 2007;

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

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

''(4) $7,000,000 for fiscal year 2010; and

''(5) $8,000,000 for fiscal year 2011.''.

TITLE IV—STEM EDUCATION AND RESEARCH

SEC. 401. DEFINITIONS.

In this title:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAM.—The term ''professional science master's degree program'' means a graduate degree program in science and mathematics that extends science training to strategic planning and business management and focuses on multidisciplinary specialties such as business and information technology (IT), biology and IT (bioinformatics), and computational chemistry.

(3) SERVICE SCIENCE.—The term ''service science'' means curriculums, research programs, and training regimens, including service sciences, management, and engineering (SSME) programs, that exist or that are being developed to teach individuals to apply technology, organizational process management, and industry-specific knowledge to solve complex problems.

(4) SSME.—The term ''SSME'' means the discipline known as service sciences, management, and engineering that—

(A) applies scientific, engineering, and management disciplines to tasks that one organization performs beneficially for others, generally as part of the services sector of the economy; and

(B) integrates computer science, operations research, industrial engineering, business strategy, management sciences, and social and legal sciences, in order to encourage innovation in how organizations create value for customers and shareholders that could not be achieved through such disciplines working in isolation.

SEC. 402. GRADUATE FELLOWSHIPS AND GRADUATE TRAINEESHIPS.

(a) GRADUATE RESEARCH FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Graduate Research Fellowship Program of the Foundation so that an additional 1250 fellowships are awarded to United States citizens under such Program during such period.

(2) EXTENSION OF FELLOWSHIP PERIOD.—The Director of the National Science Foundation is authorized to award fellowships under the Graduate Research Fellowship Program for a period of 5 years, subject to funds being made available for such purpose.

(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated $51,000,000 for each of the fiscal years 2007 through 2011 to provide an additional 250 fellowships under the Graduate Research Fellowship Program during each such fiscal year.

(b) INTEGRATIVE GRADUATE EDUCATION AND RESEARCH TRAINEESHIP PROGRAM.—

(1) IN GENERAL.—During the 5-year period beginning on the date of the enactment of this Act, the Director of the National Science Foundation shall expand the Integrative Graduate Education and Research Traineeship program of the Foundation so that an additional 1,250 United States citizens are awarded grants under such program during such period.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated, there are authorized to be appropriated $51,000,000 for each of the fiscal years 2007 through 2011 to provide grants to an additional 250 individuals under the Integrative Graduate Education and Research Traineeship program during each such fiscal year.

SEC. 403. PROFESSIONAL SCIENCE MASTER'S DEGREE PROGRAMS.

(a) CLEARINGHOUSE.—

(1) DEVELOPMENT.—From amounts appropriated under subsection (c), the Director of the National Science Foundation shall establish a clearinghouse, in collaboration with 4-year institutions of higher education, industries, and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs.

(2) AVAILABILITY.—The Director of the National Science Foundation shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

(b) PILOT PROGRAMS.—

(1) PROGRAM AUTHORIZED.—From amounts appropriated under subsection (c), the Director of the National Science Foundation shall award grants for pilot programs to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs.

(2) APPLICATION.—A 4-year institution of higher education desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Science Foundation may require. The application shall include—

(A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(C) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(3) PREFERENCE FOR ALTERNATIVE FUNDING SOURCES.—The Director of the National Science Foundation shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to support pilot professional science master's degree programs, to those applicants that secure more than ⅔ of the funding for such professional science master's degree programs from sources other than the Federal Government.

(4) NUMBER OF GRANTS; TIME PERIOD OF GRANTS.—

(A) NUMBER OF GRANTS.—Subject to the availability of appropriated funds, the Director of the National Science Foundation shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

(B) TIME PERIOD OF GRANTS.—Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

(5) EVALUATION AND REPORTS.—

(A) DEVELOPMENT OF PERFORMANCE BENCHMARKS.—Prior to the start of the grant program, the National Science Foundation, in collaboration with 4-year institutions of higher education, shall develop performance

benchmarks to evaluate the pilot programs assisted by grants under this section.

(B) EVALUATION.—For each year of the grant period, the Director of the National Science Foundation, in consultation with 4-year institutions of higher education, industry, and Federal agencies that employ science-trained personnel, shall complete an evaluation of each pilot program assisted by grants under this section. Any pilot program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

(C) REPORT.—Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director of the National Science Foundation, in consultation with industries and Federal agencies that employ science-trained personnel, shall submit a report to Congress that includes—

(i) the results of the evaluation described in subparagraph (B); and

(ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. 404. INCREASED SUPPORT FOR SCIENCE EDUCATION THROUGH THE NATIONAL SCIENCE FOUNDATION.

There are authorized to be appropriated to carry out the science, mathematics, engineering, and technology talent expansion program under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368, 116 Stat. 3042) the following amounts:

(1) For fiscal year 2007, $35,000,000.

(2) For fiscal year 2008, $50,000,000.

(3) For fiscal year 2009, $100,000,000.

(4) For fiscal year 2010, $150,000,000.

SEC. 405. A NATIONAL COMMITMENT TO BASIC RESEARCH.

(a) PLAN FOR INCREASED RESEARCH.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Science Foundation shall submit to Congress a comprehensive, multiyear plan that describes how the funds authorized in subsection (b) shall be used. Such plan shall be developed with a focus on utilizing basic research in physical science and engineering to optimize the United States economy as a global competitor and leader in productive innovation.

(b) INCREASED FUNDING FOR NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for the purpose of doubling research funding the following amounts:

(1) $6,440,000,000 for fiscal year 2007.

(2) $7,280,000,000 for fiscal year 2008.

(3) $8,120,000,000 for fiscal year 2009.

(4) $8,960,000,000 for fiscal year 2010.

(5) $9,800,000,000 for fiscal year 2011.

(c) RECOMMENDATIONS FOR RESEARCH AND DEVELOPMENT FUNDING.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Science and Technology Policy shall evaluate and, as appropriate, submit to Congress recommendations for an increase in funding for research and development in physical sciences and engineering in consultation with agencies and departments of the United States with significant research and development budgets.

SEC. 406. STUDY ON SERVICE SCIENCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to strengthen the competitiveness of United States enterprises and institutions and to prepare the people of the United States for high-wage, high-skill employment, the Federal Government should better understand and respond strategically to the emerging vocation and learning discipline known as service science.

(b) STUDY.—Not later than 270 days after the date of the enactment of this Act, the Director of the National Science Foundation shall conduct a study and report to Congress regarding how the Federal Government should support, through research, education, and training, the new discipline of service science.

(c) OUTSIDE RESOURCES.—In conducting the study under subsection (b), the Director of the National Science Foundation shall consult with leaders from 2- and 4-year institutions of higher education, leaders from corporations, and other relevant parties.

By Mr. HARKIN (for himself and Ms. CANTWELL):

S. 3484. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am pleased to introduce the Menu Education and Labeling Act of 2006, along with my colleague, Senator CANTWELL of Washington. Our bill would extend the successful nutrition labeling that has been on packaged foods since the mid nineties to include foods at chain restaurants with 20 or more outlets and food sold in vending machines. The aim of this bill is to help Americans to take better charge of their health by giving them the tools that they need to make sound nutrition choices for themselves and their children.

It is no secret that poor health and the resulting health costs are major problems in the United States. According to the Centers for Medicare and Medicaid Services, total health care spending in the United States in 2004 was $1.8 trillion, and is expected to double by approximately 2014. Furthermore, chronic diseases, which are, in many cases preventable, account for approximately 75 percent of health care costs annually.

Poor nutrition, diet-related chronic diseases, overweight, and obesity are public health threats of the first order. Heart disease and stroke are the first and third leading causes of death in the United States and together, they account for about 40 percent of annual deaths in the United States. In addition, nearly two-thirds of adults are either overweight or obese.

But it is not just adults who are affected by poor diets. Kids are increasingly at risk as well. According to the National Academy of Sciences, over the last three decades, the obesity rate has doubled among preschoolers and adolescents, and tripled for kids between ages 6 and 11. For children born today, it is estimated that 30 percent of boys and 40 percent of girls will develop diabetes. Some scientists are predicting that the current generation of children may well be the first in American history to live shorter lives than their parents, largely because of poor diets and diet-related chronic disease.

The issues are economic as well. The economic impact of chronic disease can be seen in the annual costs associated with various conditions. Cardiovascular disease and stroke are estimated to cost $352 billion annually. The yearly economic impacts of obesity, cancer, and diabetes are estimated at $117 billion, $172 billion, and $132 billion, respectively. So we need to promote common-sense steps to prevent these conditions. Increasing consumer knowledge is one of them.

This bill will give consumers a much-needed tool to make wiser choices and achieve healthier lifestyles. Will individual steps like this, by themselves, be enough to turn the tide of chronic disease and poor health? Of course not. But we must look for opportunities to give consumers information they can use to take better control of their health.

In 1990, Congress passed the Nutrition Labeling and Education Act, NLEA, requiring food manufacturers to provide nutrition information on nearly all packaged foods. The impact has been extremely positive. Not only do nearly three-quarters of adults read and use the food labels on packaged foods, but studies indicate that consumers who read labels have healthier diets. It's time to extend this same opportunity to consumers who want to make smart nutrition choices in restaurants and at vending machines.

More and more of Americans' food dollars are spent in restaurants. Restaurants play an increasingly important role in Americans' diet and health. But restaurants were excluded from the NLEA.

Today, American adults and children consume a third of their calories at restaurants. Nutrition and health experts say that rising caloric consumption and growing portion sizes are causes of overweight and obesity. We also know that when children eat in restaurants, they consume twice as many calories as when they eat at home. Consumers say that they would like nutrition information provided when they order their food at restaurants. However, while they are fully informed about the nutrition content of food available in supermarkets, consumers at restaurants are almost totally in the dark, left to guess about what is in the foods they are ordering. This legislation seeks to remedy this so that consumers can make the same informed choices in a restaurant that they are currently able to make in the grocery store.

This legislation requires restaurants to convey only minimal but essential information, including calories, grams of fat and trans fat, and milligrams of sodium for each serving. In addition, it recognizes there may be inadvertent human errors that affect things such as variations in serving sizes and food preparation, so the bill directs the Secretary of Health and Human Services,

in promulgating regulations, to allow for some reasonable leeway. And finally, it recognizes that menus change from time to time, so the labeling requirements would not apply to daily specials or to temporary menu items. In short, we are not trying to require information for every individual thing that is made available at restaurants, but we are asking restaurants to provide clear and consistent information on those menu items that are broadly and consistently available.

There are some who will say this is impractical and an extraordinary burden on restaurants. I disagree. I have been through this debate before, when Congress was considering the NLEA. We heard the same parade of arguments and horror stories. But the law was passed anyway and, lo and behold, the sky did not fall. To the contrary, businesses made simple adjustments. Americans got access to the necessary information. It had positive health benefits. And at the end of the day, things worked out just fine.

In fact, you can even look at the Senate to see the potential success of this law. A couple of years ago, I wrote to the administrator of the Senate cafeteria, to which I often send out for lunch. I simply requested that the cafeteria, if possible, provide nutrition information on standard menu items. Not more than a couple of months later, printed handouts were available in the cafeteria with detailed nutrition information on the daily menu. This is not McDonald's, Burger King or Arby's. This is the Senate cafeteria. And by gosh, if the Senate cafeteria can do this without an undue burden, then surely so can the largest restaurant chains in the country.

I believe that most Americans want to take more charge of their health. They want to make the best decisions for both themselves and for their children. But it is hard to do so without nutrition information upon which they can base their informed decisions. This legislation seeks to give Americans the information they want and need. This will be a simple but very important step in the right direction, helping ourselves and our children to live healthier, happier, and more productive lives. I urge my colleagues to join us in supporting the Menu Education and Labeling Act of 2006.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. LEAHY, and Ms. STABENOW)):

S. 3486. A bill to protect the privacy of veterans, spouses of veterans, and other persons affected by the security breach at the Department of Veterans Affairs on May 3, 2006, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, today's headline is sad and stunning. The VA Secretary now reports that 2.2 million active-duty military personnel were also exposed in the massive security breach at VA on May 3. This means that 1.1 million active-duty military personnel, 430,000 National Guard members and 645,000 reservists are exposed to potential identity theft. The brave men and women, who are serving and protecting our country, are not being protected by their own government.

This is deeply disturbing and we owe each servicemember and veteran real support to protect their financial information.

I have revised my legislation, S. 3176, the Veterans' Privacy Protection Act, to expand coverage to our military personnel. I am proud to have the cosponsorship of Senators JEFFORDS and BAUCUS.

Every American has the justifiable expectation that the Federal Government will protect their private personal information—information that they are required to provide to Federal agencies. It is a basic and fundamental responsibility of government to make sure that this sensitive data is handled appropriately, accessed only by authorized personal, and used only for intended purposes.

On May 22, the Department of Veterans Affairs, VA, announced that computer disks containing as many as 26.5 million veterans' personal information were stolen from an employee who had taken the information home. I, along with many of my colleagues, am outraged at this enormous lapse in security. The VA has an obligation to make sure that veterans and military personnel are not harmed because of the agency's failure to protect sensitive personal data.

This information includes social security numbers and dates of birth, the underpinnings of almost all of our financial information. In the wrong hands, this information can be used to steal a person's identity causing substantial harm. All of us have constituents who have been victims of identity theft. When a person's identity is stolen, it can have devastating financial consequences for that person and that family. Even if the financial harm is minimal, it often takes years to clear your name. Plus, veterans and military families must live with the uncertainty about the financial records.

I understand that the VA, FBI and local law enforcement are working on the investigation, but Congress must also conduct a thorough investigation into how this security breach occurred. I want to know why the VA waited almost three weeks for its first announcement. I want to know why it took another two weeks to compare files and realize that 2.2 million military personnel were also exposed.

In my opinion, it is inexcusable that veterans and military were not notified immediately that their personal information had been stolen and were not given any guidance as to the steps they should take to protect themselves from identity theft. I understand the VA inspector general has cited the agency for poor security policies and procedures. Congress must also begin a comprehensive review of the agency's security protocols and policies and force the agency to adopt stricter security measures to make sure that the personal data our veterans are required to provide the agency is not ever again at risk.

It is for this reason that I am reintroducing the Veterans' and Military Privacy Protection Act today. Although all Federal agencies need comprehensive data privacy policies, this is a targeted bill to address the security breach at the VA on an urgent basis.

Congress has required the Federal Trade Commission to address identity theft and its consequences. The agency has taken an aggressive approach in combating this devastating crime. My bill would require the Federal Trade Commission to develop a hotline explicitly for veterans and military personnel to provide the information, counseling, and help necessary to allow each person to protect himself from the loss of personal data.

At this point, our legislative response must cover all 28.7 million veterans and servicemembers that the VA believes may have had their personal information compromise. My bill would make it easier for them to request a long-term credit alert for their records so credit agencies are aware that their personal information could be being used by others. It is my understanding that a security freeze on an individual's record can have a modest cost, and VA has the obligation to cover the costs of this enormous security breach.

Finally, my bill requires the General Accountability Office to evaluate the VA response to this incident and to analyze the agency's security protocols. I believe that an independent investigation could generate a number of recommendations to improve the security of personal information not just in the VA but in all Federal agencies.

The VA has exposed millions of veterans and military to identity theft and potential financial problems. It is inconceivable to me how any Federal agency could have let this happen, and how the investigation and followup could be so haphazard. We all have heard the stories during the past year regarding massive breaches of private and confidential data by private entities. The Federal Government acted quickly to respond to these breaches and now it must act just as quickly if not more so to address its own failings. My bill is a critical step in providing the necessary assistance that millions of veterans and servicemembers may require, and I urge my colleagues to act on it with the urgency this situation demands.•

By Mr. KERRY (for himself and Mr. PRYOR):

S. 3487. A bill to amend the Small Business Act to reauthorize and improve the disaster loan program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, June brings the beginning of the 2006 Atlantic Hurricane season, and according to the National Oceanic and Atmospheric Administration, we can expect it to be a busy one. The administration is predicting 13 to 16 named storms, with as many as 4 to 6 predicted to become major hurricanes of category three strength or higher.

As our gulf coast communities learned last fall, it only takes one of these storms to utterly destroy the homes, businesses and lives of millions of Americans. We owe it to the victims of Hurricanes Katrina, Rita and Wilma, as well as to the unsuspecting victims of future disasters, to fix the Federal disaster loan program and build it to be responsive to the needs of disaster victims.

That's why I am introducing the Small Business Disaster Loan Reauthorization and Improvement Act of 2006. This bill seeks to improve coordination between responding agencies in the immediate aftermath of a disaster. The priority of first responders should be addressing the needs of victims, and the laws establishing disaster response should allow for maximum agency collaboration in addressing those needs.

To this end, we have directed the Administrator of the Small Business Administration and the Director of the Federal Emergency Management Agency to coordinate disaster assistance application periods when possible. The Small Business Administration is directed to address any inconsistencies between the Federal regulations and the administration's standard operating procedures that govern the disaster loan program.The Administrator is also directed to work to the maximum extent practicable to gain speedy access to all relevant tax records for loan applicant consideration, and when considering applications, is directed to consider an applicant's credit rating from the day prior to the disaster's occurrence.

The Comptroller General is directed to study the current disaster assistance application and referral process that has resulted in an approval rate of only 35 percent of total disaster loan applicants. The Administrator is also directed to report on how this process can be improved. To increase awareness of available disaster loan assistance, the bill directs the Administrator to develop a proactive marketing plan that will get information on disaster loans in the hands of those who need it. The bill includes an additional study to be conducted by the Comptroller General on industries that may have difficulty accessing disaster loans.

In addition to reauthorizing the disaster loan program for a period of 3 years beginning in 2007, this bill provides the increased capital that homeowners and small business owners need and currently have trouble accessing following a major disaster. A presidential declaration of catastrophic national disaster will allow the Administrator to offer economic injury disaster loans to adversely affected business owners beyond the geographic reach of the disaster area. In addition, private lenders are encouraged to make disaster loans through the 7(a) and 504 lending programs with reduced fees, and the Administrator is authorized to enter into agreements with private contractors in order to expedite loan application processing for direct disaster loans.

Disaster victims are often in need of capital prior to when traditional assistance programs are available. To address this need, this bill establishes a process for providing Federal bridge loans, allowing States to redirect funding previously designated for Community Development Block Grants and use these funds to provide bridge loans and grants to disaster victims. Having this waiver in place will allow States to ensure that victims have the speedy access to capital while they wait for alternative sources of assistance.

Non-profit entities working to provide services to victims should be rewarded and given access to the capital they require to continue their services. To this end, the Administrator is authorized to make disaster loans to nonprofit entities, including religious organizations.

So that businesses are not limited during major disasters by a loan cap that is not sufficient to meet their needs, the bill increases the aggregate amount of loans available to $10,000,000 during a declared major disaster or a catastrophic national disaster.

This bill strengthens the Stafford Act by requiring a 10 percent goal for local firms to participate in the recovery and reconstruction effort. The bill also encourages the utilization of expedited procurement tools for small, small disadvantaged, service-disabled, and historically underutilized businesses.

Construction and rebuilding contracts being awarded are likely to be larger than the current $2 million threshold currently applied to the SBA Surety Bond Program which helps small construction firms gain access to contracts. This bill increases the guarantee against loss for small business contracts up to $5 million and allows the Administrator to increase that level to $10 million, if deemed necessary.

The bill also allows faster payments to small firms in order to increase their ability to gain access to bonds. To make bonding more attractive to surety providers in the disaster area, the Administrator may wave fees for sureties offering bonding in the disaster area and allows the sureties to use the State-approved rates for bonds awarded in the disaster area.

The bill also provides for small business development centers to offer business counseling in disaster areas, and to travel beyond traditional geographic boundaries to provide services during declared disasters. To encourage small business development centers located in disaster areas to keep their doors open, the maximum grant amount of $100,000 is waived.

So that Congress may remain better aware of the status of the administration's disaster loan program, this bill directs the administration to report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regularly on the fiscal status of the disaster loan program as well as the need for supplemental funding. The administration is also directed to report on the number of Federal contracts awarded to small businesses, minority-owned small businesses, women-owned businesses, and local businesses during a disaster declaration.

Many small businesses depend on the contributions of America's military reservists, and have been struggling through the months that these brave men and women have served their country through active duty. This bill authorizes the Administrator to provide grants to the smallest of these firms to assist them as they seek to remain open.

Gas prices continue to soar, and fuel dependent small businesses are struggling with the cost of energy. This bill provides relief to small business owners during times of above average energy price increases, authorizing energy disaster loans through the Small Business Administration and the United States Department of Agriculture to companies dependent on fuel.

Residents of the gulf coast continue to rebuild from last year's hurricane season, and they do so despite the slow and inadequate response from their Federal Government. By increasing access to capital for small businesses suffering as a result of a disaster, and by ensuring that Federal agencies charged with disaster response are doing their jobs in a coordinated manner that puts the needs of victims first, we can ensure that the Federal Government is better prepared to respond to future disasters.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 505—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 505

Resolved. That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be

temporarily suspended for the sole and specific purpose of permitting an official photograph to be taken of Members of the United States Senate on June 13, 2006.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

SENATE RESOLUTION 506—TO DESIGNATE THE PERIOD BEGINNING ON JUNE 5, 2006, AND ENDING ON JUNE 8, 2006, AS ''NATIONAL HEALTH IT WEEK''

Ms. STABENOW (for herself, Ms. SNOWE, Mrs. MURRAY, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 506

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately $77,000,000,000 in expenses relating to healthcare each year;

Whereas the RAND Corporation estimated that, if the healthcare system of the United States implemented the use of computerized medical records, the system could save the United States more than $81,000,000,000 each year;

Whereas healthcare information technology has been shown to improve the quality and safety of the delivery of healthcare in the United States;

Whereas healthcare information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the healthcare system;

Whereas the President and Secretary of Health and Human Services have made a commitment to leveraging the benefits of the healthcare information technology and management systems by establishing of the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of healthcare in the United States; and

Whereas 42 organizations have come together to support National Healthcare IT Week to improve public awareness relating to the potential benefits of improved quality and cost efficiency that the healthcare system could achieve by implementing health information technology: Now, therefore, be it

Resolved, That the Senate designates the period beginning on June 5, 2006, and ending on June 8, 2006, as ''National Health IT Week''.

SENATE CONCURRENT RESOLUTION 98—COMMEMORATING THE 39TH ANNIVERSARY OF THE REUNIFICATION OF THE CITY OF JERUSALEM

Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. ALLEN, Ms. COLLINS, Mr. FRIST, Ms. MIKULSKI, Mr. PRYOR, Mr. SANTORUM, Mr. SMITH, Mrs. CLINTON, Mr. REID, Mrs. DOLE, and Mr. INHOFE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 98

Whereas, for 3,000 years, Jerusalem has been the holiest city of Judaism and the focal point of Jewish religious devotion;

Whereas Jerusalem is also considered a holy city by members of other religious faiths;

Whereas, from 1948 to 1967, Jerusalem was a divided city, and Israeli citizens of all faiths, as well as Jewish citizens of all countries, were denied access to certain holy sites;

Whereas, in 1967, Jerusalem was reunited by Israel during the conflict known as the ''Six Day War'';

Whereas, since 1967, Jerusalem has been a united city, and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the 39th year that Jerusalem has been administered as a unified city in which the rights of every ethnic and religious group are protected;

Whereas, in 1990, the Senate and House of Representatives overwhelmingly adopted S. Con. Res. 106 (101st Congress) and H. Con. Res. 290 (101st Congress), declaring that Jerusalem, the capital of Israel, ''must remain an undivided city'' and calling on Israel and the Palestinians to begin negotiations to resolve their differences;

Whereas each sovereign country, under international law and custom, has the right to designate its own capital;

Whereas Jerusalem is the seat of the Government of Israel, including the President, the Parliament, and the Supreme Court;

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104–45; 109 Stat. 398), which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel in which the rights of every ethnic and religious group are protected;

Whereas section 214 of the Foreign Relations Authorization Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law 107–228) directs that the Secretary of State shall, upon the request of a citizen or a legal guardian of a citizen, record the place of birth of a United States citizen born in the city of Jerusalem as Israel: Now, therefore, be it

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

(1) congratulates the residents of Jerusalem and the people of Israel on the 39th anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 39 years;

(3) calls upon the President and Secretary of State to publicly affirm, as a matter of United States policy, that Jerusalem must remain the undivided capital of the State of Israel;

(4) strongly urges the President—

(A) to discontinue use of the waiver contained in the Jerusalem Embassy Act of 1995 (Public Law 104–45; 108 Stat. 398);

(B) to carry out the provisions of that Act immediately; and

(C) to begin the process of relocating the United States Embassy in Israel to Jerusalem; and

(5) further urges officials of the United States to carry out section 214 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 116 Stat. 1365).

AMENDMENTS SUBMITTED AND PROPOSED

SA 4194. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 8, to make the repeal of the estate tax permanent; which was ordered to lie on the table.

SA 4195. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 8, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4194. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 8, to make the repeal of the estate tax permanent; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PERMANENT EXTENSION OF ESTATE TAX AS IN EFFECT IN 2009.

(a) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $3,500,000.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the sum determined under subsection (b)(1) were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $3,500,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(b) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended—

(1) by striking ''but not over $2,000,000'' in the table contained in paragraph (1),

(2) by striking the last 2 items in such table,

(3) by striking ''(1) IN GENERAL.—'', and

(4) by striking paragraph (2).

(c) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN UNIFIED CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) of the Internal Revenue Code of 1986 (relating to computation of tax) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 of such Code is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax

in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.''.

(2) GIFT TAX.—Section 2505(a) of such Code (relating to unified credit against gift tax) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(e) MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—Subtitles A and E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subtitles, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subtitles, and amendments, had never been enacted.

(2) SUNSET NOT TO APPLY.—

(A) Subsection (a) of section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''this Act'' and all that follows and inserting ''this Act (other than title V) shall not apply to taxable, plan, or limitation years beginning after December 31, 2010.''.

(B) Subsection (b) of such section 901 is amended by striking '', estates, gifts, and transfers''.

(3) REPEAL OF DEADWOOD.—Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

SA 4195. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 8, to make the repeal of the estate tax permanent; which was ordered to lie on the table; as follows:

Amend the title as to read:

''An Act to amend the Internal Revenue Code of 1986 to make permanent the estate tax in effect in 2009, including the step-up-in-basis regime, and for other purposes.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee to meet on Armed Services be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 9:30 a.m., in closed session, to receive a classified briefing on overhead imagery systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent, that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 4 p.m., to receive a briefing on the loss of personal information about Department of Defense personnel as a result of the theft of a computer from a Department of Veterans Affairs analyst.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 5:20 p.m., to receive a classified briefing on the death of Al-Zarqawi.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. McCONNELL. 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 June 8, 2006, at 10 a.m., to conduct a hearing on the nominations of Ms. Sheila C. Bair, of Kansas, to be a member and chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; Mr. James B. Lockhart III, of Connecticut, to be the Director of the Office of Federal Housing Enterprise Oversight; Mr. Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System; and Ms. Kathleen L. Casey, of Virginia, to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, June 8, 2006, at 2:30 p.m. on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. 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 Thursday, June 8, 2006, at 10 a.m. The purpose of this hearing is to consider the nominations of: Philip D. Moeller, of Washington, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2010, Vice Patrick Henry Wood III, resigned and Jon Wellinghoff, of Nevada, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2008, Vice William Lloyd Massey, term expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, June 8, 2006, at 11 a.m., in 215 Dirksen Senate Office Building, to consider original bills entitled, the ''Medicare, Medicaid, and SCHIP Indian Health Care Improvement Act of 2006'', and the ''Improving Outcomes for Children Affected by Meth Act of 2006''.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 9:30 a.m. to hold a hearing on The Role of Non-Governmental Organizations in the Development of Democracy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security Affairs Governmental Affairs be authorized to meet on Thursday, June 8, 2006, at 10 a.m., for a hearing titled, ''National Emergency Management: Where Does FEMA Belong?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 8,2006, at 9:30 a.m., in the Dirksen Senate Office Building room 226. The agenda will be provided when it becomes available.

I. Nominations: Andrew J. Guilford, to be U.S. District Judge for the Central District of California; Frank D. Whitney, to be U.S. District Judge for the Western District of North Carolina; Kenneth L. Wainstein, to be an Assistant Attorney General; Charles P. Rosenberg, to be U.S. Attorney for the Eastern District of Virginia.

II. Bills: S. 2453, National Security Surveillance Act of 2006, Specter; S. 2455, Terrorist Surveillance Act of 2006, DeWine, Graham; S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer; S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein; S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Graham, Schumer, Biden.

III. Matters: S.J. Res. 12, Flag Desecration resolution, Hatch, Feinstein, Brownback, Coburn, Cornyn, DeWine, Graham, Grassley, Kyl, Sessions, Specter.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, June 8, 2006, for a committee hearing re pending benefits related legislation. The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 8, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CORRECTIONS AND REHABILITATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Corrections and Rehabilitation be authorized to meet to conduct a hearing on ''The Findings and Recommendations of the Commission on Safety and Abuse in America's Prisons'' on Thursday, June 8, 2006, at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building. Witness list.

The Honorable John J. Gibbons, Commission Co-Chairman, Former Chief Judge of the U.S. Court of Appeals for the Third Circuit, Newark, NJ.

Nicholas de B. Katzenbach, Commission Co-Chairman, Former U.S. Attorney General, Princeton, NJ.

Gary D. Maynard, Commissioner, Director of the Iowa Department of Corrections and President-Elect of the American Correctional Association, Des Moines, IA.

Mark H. Morial, Commissioner, President and CEO of the National Urban League, former Mayor of New Orleans and Louisiana State Senator, New York, NY.

Pat Nolan, Commissioner, President of Prison Fellowship's Justice Fellowship and a member of the National Prison Rape Elimination Commission, Lansedowne, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, June 8, 2006, at 2:30 p.m. to hold a hearing on Asian Adoptions in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL OCEAN POLICY STUDY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on National Ocean Policy Study be authorized to meet on Thursday, June 8, 2006, at 10 a.m. on Offshore Aquaculture: Challenges of Fish Farming in Federal Waters.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2766

Mr. MCCONNELL. Mr. President, I am going to close shortly. First the distinguished Senator from Virginia, chairman of the Armed Services Committee, will seek recognition.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, in consultation with the distinguished leadership on both sides, Senator LEVIN and I participating, I am pleased to ask unanimous consent that at 3 p.m. on Monday, June 12, the Senate proceed to the immediate consideration of S. 2766, the Defense authorization bill; further, that Senator LEVIN be recognized at 5:30 to make his opening statement; provided further that Senator WARNER then be recognized and that no amendments be in order until the chairman is recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Again, I thank the leadership. I am very anxious, as are all members of the Armed Services Committee from both sides of the aisle, and my esteemed ranking member, Senator LEVIN, to begin this bill on Monday. It is our hope that we can proceed as quickly as possible, fully recognizing that there may be, hopefully, an interruption with regard to the supplemental appropriations conference report. At some point—and I discussed this with Senator LEVIN—it would be our intention to approach our leadership in hopes that in the amendment process, after a day or so in the beginning, we can turn to the tradition of having relevant amendments so that we can bring this bill to a close. That gives Senators an opportunity in the first day or so to present whatever they wish and then thereafter proceed to matters that have a direct relevance to the bill itself.

I thank the distinguished leader for the opportunity to address the Senate.

Mr. MCCONNELL. Mr. President, I compliment the distinguished Senator from Virginia, the chairman of the Armed Services Committee, who has managed many of these very difficult measures over the years and is raring to go one more time starting Monday. We look forward to responding to his leadership.

Mr. WARNER. I thank the Senator.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that on Tuesday, June 13, at 2:30 p.m., immediately following the official photograph, there be 60 minutes equally divided for debate prior to the cloture vote on Executive Calendar No. 553, with 15 minutes under the control of Senator BYRD, and 15 minutes under the control of Senator KENNEDY, and 30 minutes under the control of Chairman ENZI; provided further, that if cloture is invoked on the nomination, the Senate proceed to an immediate vote on the confirmation of the nomination, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE TAKING OF A PHOTO IN THE SENATE CHAMBER

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 505, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 505) authorizing the taking of a photograph in the Chamber of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 505) was agreed to, as follows:

S. RES. 505

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting an official photograph to be taken of Members of the United States Senate on June 13, 2006.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefore, which arrangements shall provide for a minimum of disruption to Senate proceedings.

NATIONAL HEALTH IT WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 506, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 506) to designate the period beginning on June 5, 2006, and ending June 8, 2006, as ''National Health IT week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be

agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 506) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 506

Whereas the Center for Information Technology Leadership estimated that the implementation of national standards for interoperability and the exchange of health information would save the United States approximately $77,000,000,000 in expenses relating to healthcare each year;

Whereas the RAND Corporation estimated that, if the healthcare system of the United States implemented the use of computerized medical records, the system could save the United States more than $81,000,000,000 each year;

Whereas healthcare information technology has been shown to improve the quality and safety of the delivery of healthcare in the United States;

Whereas healthcare information technology and management systems have been recognized as essential tools for improving the quality and cost efficiency of the healthcare system;

Whereas the President and Secretary of Health and Human Services have made a commitment to leveraging the benefits of the healthcare information technology and management systems by establishing of the Office of the National Coordinator for Health Information Technology and the American Health Information Community;

Whereas Congress has placed an emphasis on improving the quality and safety of the delivery of healthcare in the United States; and

Whereas 42 organizations have come together to support National Healthcare IT Week to improve public awareness relating to the potential benefits of improved quality and cost efficiency that the healthcare system could achieve by implementing health information technology: Now, therefore, be it

Resolved, That the Senate designates the period beginning on June 5, 2006, and ending on June 8, 2006, as ''National Health IT Week''.

EXPRESSING THE SENSE OF THE SENATE ON THE DISCUSSION BY THE NORTH ATLANTIC COUNCIL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 444, S. Res. 456.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 456) expressing the sense of the Senate on the discussion by the North Atlantic Council of secure, sustainable, and reliable sources of energy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 456) was agreed to, as follows:

S. RES. 456

Resolved, That it is the sense of the Senate that—

(1) the President should place on the agenda for discussion at the North Atlantic Council, as soon as practicable, the merits of establishing a policy and strategy for the North Atlantic Treaty Organization to promote the security of members of the Organization through the development of secure, sustainable, and reliable sources of energy; and

(2) the President should submit to Congress a report that sets forth—

(A) the actions the United States has taken to place the matter referred to in paragraph (1) on the agenda for discussion at the North Atlantic Council;

(B) the position of the United States on the matter, as communicated to the North Atlantic Council by the representatives of the United States to the Council;

(C) a summary of the debate on the matter at the North Atlantic Council, including any decision that has been reached with respect to the matter by the Council; and

(D) a strategy for the North Atlantic Treaty Organization to develop secure, sustainable, and reliable sources of energy, including contingency plans if current energy resources are put at risk.

ORDERS FOR FRIDAY, JUNE 9, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, June 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of our colleagues, there will be no votes tomorrow, Friday. On Monday, we will begin consideration of the Defense authorization matter. Senators are encouraged to come to the floor to give their opening statements during Monday's session. No votes will occur on Monday, and the next vote will be on Tuesday prior to the policy luncheons.

I remind everyone that on Tuesday at 2:15 p.m., we will have our official photograph taken in the Senate Chamber. Senators should be seated at their desks promptly at 2:15 p.m. on Tuesday.

A few minutes ago, we locked in an agreement for debate and a cloture vote on a Mine Safety and Health nomination. That vote will occur at 3:30 p.m. on Tuesday. Again, I remind everyone that the first vote will occur prior to the policy lunch recess.

In addition to a busy week on the Defense authorization bill, next week we will address the supplemental appropriations conference report which should shortly be available. I know, I just signed it myself.

I will have more to say on Friday regarding next week's schedule.

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.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Georgia, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. In my capacity as a Senator from the State of Georgia, if there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Friday, June 9, 2006, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 8, 2006:

EXECUTIVE OFFICE OF THE PRESIDENT

SUSAN C. SCHWAB, OF MARYLAND, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

NOEL LAWRENCE HILLMAN, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

PETER G. SHERIDAN, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

THOMAS L. LUDINGTON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

SEAN F. COX, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

EXTENSIONS OF REMARKS

TRIBUTE TO MAJOR GENERAL WALTER E. GASKIN

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a great Georgian and a great American, MG Walter E. Gaskin, who is taking command of the 2nd Marine Division this week, in this, his 32nd year in the United States Marine Corps.

Major General Gaskin was born and raised in Savannah, Georgia, and attended Savannah State University on a Naval ROTC scholarship. He graduated in 1974 and was commissioned a 2nd Lieutenant. Upon completing training, he was assigned to the Second Marines. He served as a Rifle Platoon Commander and Executive Officer of Company K and the 106 Recoilless Rifle Platoon Commander for 3rd Battalion, 2nd Marines.

The young Marine went on to be stationed in Okinawa and at Parris Island, before returning home to Savannah to serve as the Marine Officer Instructor and recruiting officer for Naval ROTC at his alma mater. While in Georgia, he also served as the assistant Officer Selection Officer at the Recruiting Station in Macon.

In 1984, Gaskin joined the 1st Battalion, 2nd Marines where he served as an Operations Officer. From there he was selected to attend the U.S. Army Command and General Staff College. From 1987 until 1990, he served as an action officer at Marine Corps Headquarters and Marine Corps Combat Development Command (MCCDC), in charge of Unit Environmental Training Programs, Jungle, Cold Weather, and Combined Arms Exercises. Next, Gaskin served as Head, Ground Forces Branch in Seoul, South Korea, then as an Operations Officer for the 2nd Marine Expeditionary Force during exercises in Norway.

Gaskin then attended the U.S. Army War College and was subsequently assigned as the Executive Officer, 6th Marines, 2nd Marine Division. In 1995, he assumed command of 2nd Battalion, 2nd Marines, and later he deployed to the Mediterranean Sea as the Commanding Officer of Battalion Landing Team under the 22nd Marine Expeditionary Unit. There he participated in Operation Assured Response and Quick Response in Defense of American Embassies in Liberia and the Central African Republic. In 1998, he returned to Camp Lejeune as Head of Expeditionary Operation for the Second Expeditionary Unit.

In January 1999, Major General Gaskin assumed command of the 22nd Marine Expeditionary Unit. In September of that year, he deployed with them to the Mediterranean Sea as Landing Force Sixth Fleet. While there, the 22nd participated in the Bright Star Exercises in Egypt and the Infinite Moonlight Exercises in Jordan. His unit also served as the Strategic Reserve for operations in Bosnia and Kosovo.

In March 2000, he became the Commanding General, Training Command, Training and Education Command, MCCDC. Major General Gaskin then rose to Chief of Staff, Naval Striking and Support Forces Southern Europe and Deputy Commanding General, Fleet Marine Forces Europe, in Naples, Italy. He took command of Marine Corps Recruiting Command in September 2004. In October 2005, he was promoted to the rank of Major General.

His personal decorations include the Defense Superior Service Medal, Legion of Merit with Gold Star in lieu of 2nd award, Bronze Star with combat "V," Defense Meritorious Service Medal, Meritorious Service Medal, Navy and Marine Corps Commendation Medal with 2 Gold Stars in lieu of 3rd award, Navy and Marine Corps Achievement Medal and the Combat Action Ribbon.

Mr. Speaker, Major General Gaskin is the highest ranking African American in the Marine Corps. He is an inspiration for young men and women, and I stand here to honor him today for his years of service to this Nation.

TRIBUTE TO JONATHAN A. SAIDEL

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Jonathan A. Saidel, former Controller for the City of Philadelphia.

Jonathan Saidel served as Philadelphia's City Controller for 16 years, winning reelection most recently in 2001 with 87.5 percent of the vote. As Controller, he has won local and national plaudits for reforming and professionalizing the Controller's office, his dedication to fiscal discipline, and proposing innovative ideas to grow Philadelphia. His 1999 book "Philadelphia: A New Urban Direction" continues to be used as a textbook in college level urban studies courses.

Jonathan Saidel has been called "a taxpayer's best friend" for his outspoken advocacy of reducing Philadelphia's crushing tax burden in order to spur economic development and stop the exodus of people and jobs from the city. His work with then Mayor Edward Rendell in the early 1990's helped return Philadelphia from the brink of bankruptcy. His groundbreaking audits and proposed government reforms have saved the taxpayers over 500 million dollars since 1990.

Jonathan Saidel is a great humanitarian involved with political causes and organizations too numerous to mention, serving on the Special Olympics, Boy Scouts, Salvation Army and the Variety Club. He is a Lecturer at the University of Pennsylvania's Fels Center of Government and teaches Government Finance as an Adjunct Professor in the MBA Program at Drexel University.

Mr. Speaker, Jonathan Saidel has long been recognized for his outstanding community and civic involvement, and it is for these reasons that I ask that you and my other distinguished colleagues rise to honor him.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. POMBO. Mr. Speaker, on June 6, 2006 I missed recorded votes. Had I been present, I would have voted "aye" on rollcall votes 226, 225, 224, and 223.

TOM FOX, AN AMERICAN HERO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor the life of Mr. Tom Fox, an American hero who tirelessly gave his life to help bring peace to Iraq but whose life was mercilessly taken from us at the hands of killers on March 9, 2006. I am here to commemorate the life of such a selfless and dedicated individual.

Mr. Fox was born in Chattanooga, Tennessee and graduated with a double degree in music performance and education from George Peabody College for Teachers, which is now part of Vanderbilt University, in Nashville. An accomplished musician, he joined the Marine Band and spent twenty years playing his clarinet for them.

His passion gradually shifted from music toward peace activism and he joined the Quaker Church. His views on non-violent social activism strengthened his resolve to fight against the injustices in the world. In 2002, he joined the Christian Peacemakers Team and traveled to one of the most dangerous and violent parts of the world, Iraq.

For two years, he devoted his time and energy to promoting peace and understanding between Christians and Muslims, Iraqis and Americans. In partnership with local Iraqi human-rights organizations, he committed himself to non-violent forms of intervention, such as accompanying young Iraqi refugee children to the Syrian border, and living in the same conditions as ordinary Iraqis in the downtown quarters of a Baghdad neighborhood—without security or protection around his apartment dwelling.

His dedication for helping others was always apparent in everything he did. A quiet, good-natured soul, he insisted on understanding the hearts and minds of every person he met, believing that "there is part of God in every person". His complete faith in the goodness and humanity of others allowed him to stand through more violence and hatred than most of us will ever see in our lives.

Despite the roadside bombings that he walked by, despite the mortars that fell above his home, and despite the death threats he received before being kidnapped, Mr. Fox always understood why he was in Iraq. In his own words, he said: "We are here to root out all aspects of dehumanization that exist within us. We are here to stand with those being dehumanized by oppressors and stand firm against that dehumanization. We are here to stop people, including ourselves, from dehumanizing any of God's children, no matter how much they dehumanize their own souls."

His legacy will always serve as a testament that to fight for what you believe in and to understand others is not to use violence or coercion. We preserve the dignity of our humanity and our goodness by each loving action we take on behalf of others.

"Too many are willing to die for war and too few are willing to die for peace."

[From Connection Editorial, Mar. 16, 2006]

TOM FOX

In the pages of The Connection, since the beginning of the war in Iraq, we have periodically been called to write obituaries for men and women who have been killed in the conflict both in Iraq and Afghanistan.

These were people who traveled to Iraq in service to their country. Losing them has been devastating to family and friends; their grief is sometimes tempered by knowing that their loved one died in doing something they believed in.

The war in Iraq also served as a call to service to Tom Fox of Springfield. It was a call of a different kind, but one driven by deep conviction and a sense of duty. Fox, a Quaker and a pacifist, was troubled by the U.S. military response to terrorism, and traveled to Iraq as part of a Christian Peacemaker Team.

Fox and other members of his team were taken hostage in November 2005, and Fox's body was found last week.

The Christian Peacemaker Teams group "embraces the vision of unarmed intervention waged by committed peacemakers ready to risk injury and death in bold attempts to transform lethal conflict through the nonviolent power of God's truth and love."

In a Feb. 16, 2005 interview with the Connection Newspapers, Fox said he believed peace in Iraq could only be achieved through non-violence.

"[The Iraqi] people are not being served by violence," Fox said. "It doesn't help anyone. There is always going to be conflict, but it's a question of how we deal with it. Do we settle problems with words, or do we bring out the clubs and act like cavemen?"

Tom Fox's friends and associates say that he would forgive his kidnappers and his killers, knowing that they acted out of fear. He would reject any anger or any effort at reprisal.

Fox wrote: "We reject violence to punish anyone. We ask that there be no retaliation on relatives or property. We forgive those who consider us their enemies. We hope that in loving both friends and enemies and by intervening nonviolently to aid those who are systematically oppressed, we can contribute in some small way to transforming this volatile situation."

It is remarkable to see fellow human beings who walk in the path of their convictions. It is heartbreaking to see the person die as a result.

But his death was not futile—no more than the death 2,000 years ago of the one he followed.

[From the Springfield Connection, Mar. 23, 2006]

CARRYING THE LIGHT: FRIENDS OF TOM FOX REMEMBER HIS LIFE, URGE PEACEMAKING WORK TO CONTINUE AFTER HIS DEATH

(By Amber Healy)

In the nearly two weeks since news of his death became public, friends of Springfield native Tom Fox have been trying to make peace with their friend's passing.

He was no martyr, they say. Rather, he would most likely be uncomfortable with all the attention focused on his work in Iraq as part of the Christian Peacemaker Teams for the past few years.

"When Tom went to Iraq, we saw a side of him that we weren't aware of before," said Doug Smith, clerk of the Langley Hill Meeting of Friends, a Quaker congregation in McLean.

Fox kept a blog in which he wrote about his struggles and work in Iraq, Smith said, which provided a deeper look into a man who had a "depth of spirit" he didn't reveal to many people.

Smith thinks it was this unassuming nature that helped Fox connect with the Iraqi people, living among them in Baghdad for three- or four-month intervals since 2003 and collecting their stories of loved ones who had been imprisoned or taken hostage.

"He was able to sit and talk with just about anyone," Smith said. "There wasn't anything extraordinary about him."

Fox joined Christian Peacemaker Teams, a non-government organization promoting peace, with headquarters in Chicago and Toronto, as an alternative to impending war after the terrorist attacks of Sept. 11, 2001. He did not join CPT with the intent of going to Iraq, Smith said, but instead because "it was something he wanted to do. He liked that [they were] a group that tried to get into the middle of a conflict, hear all sides and find a way to bring them together."

As a Quaker, Fox was following in "a long history of peace work and social activism," something he ultimately gave his life for, Smith said.

The Rev. Carol Rose, a director at CPT, said she first met Fox when he began the training all volunteers go through before being assigned to one of the eight conflict zones they work in around the world.

While in the middle of one of the most dangerous places in the world, Rose said Fox "always had a peaceful presence. He was very much at home there," despite being well aware that, as a foreigner, especially as an American, it would be best to keep a low profile.

Fox all but refused to "blend in," she said, instead preferring to go to checkpoints around Fallujah, talking with the guards who worked there and the residents who spent hours waiting to cross to the other side.

Fox had a natural curiosity and desire to learn about the people he'd meet, said Rose.

"There was no hope in trying to keep Tom hidden, there was no way to keep him from standing out," she laughed. "He was well-known and well-loved by his Iraqi colleagues."

CPT's continues in Iraq, she said, despite Fox's death and the uncertain fate of Harmeet Sooden, James Looney and Norman Kember, three coworkers who were kidnapped along with Fox back in November. Fox was the first CPT member to be killed in Iraq, she said.

If things had worked out differently, Fox could have been assigned to work in Palestine, or on a Native American reservation in Canada, or in Colombia, where other CPT workers are placed. Instead, he made himself at home in Iraq, said longtime friend Paul Slattery.

"Tom had a quiet self-assurance that this was where he wanted to go, that there were people in Iraq that were hurting and he had to go and do what he could to help them," Slattery said.

Working in Iraq, helping to create a Muslim group based on the CPT practices, was the "high point" of Fox's life, he said.

"If Tom had come back here and lived to retirement age, I can see him sitting in a rocking chair and looking back on his life in Fallujah and Baghdad with a smile on his face," Slattery said.

There have been moments when Slattery said he has questioned himself, wondering if maybe he should have been more assertive of his skepticism.

"But he wanted to do this, and it was my job to support him. I don't feel guilty, but in a way I do feel bad, that maybe in some way I wasn't the advocate for the people who loved him and didn't want him to do it," he said. "But that wasn't my role."

Fox had a strong faith and an equally strong belief that he was "called" to go to Iraq, despite the dangers he knew were there, said friend Pearl Hoover, minister of the Northern Virginia Mennonite Church in Fairfax. Since Fox's death, Hoover said part of the loss people have been feeling is the sense of love that emanated from him.

"Tom knew how to love and let someone be where they are instead of where he thought they should be," she said.

Some people may find it difficult to understand why he felt so compelled to put himself in a war zone in the name of peace, Hoover said, but it is no different than a soldier signing up to serve his or her country.

"It is just as costly to be a peacemaker as it is to be a warrior," she said.

The last time Fox was in Virginia, he met with his support group at the McLean Family Restaurant to catch up, share stories and photographs, said close friend Hoyt Maulden. Something didn't seem quite right when Fox arrived, said Maulden, but he didn't know what it was until Fox pulled out a large, brightly colored gift bag that was "uncharacteristically loud and colorful and flashy."

Fox had brought back a hand-hammered copper plate from a market in Iraq, which he had wrapped in gift bags for the five people he kept in closest contact with while working overseas, Maulden said.

"Tom always went out of his way to do the right thing, and in this case, he wanted to do it up right and make it a special event to give us these gifts," he said.

Memories like that one have been a comfort to Maulden since learning of Fox's death, but he said it has been more comforting talking with people who understand why Fox was working in Iraq, why it was important to him and why it must continue.

"Tom was so ordinary in some ways, but that is what's important to remember," he said. "It doesn't take a superhuman kind of person to do what he did. Tom didn't do anything other than be faithful to what he believed in."

[From the Springfield Connection, Mar. 23, 2006]

A SIMPLE TWIST OF FATE

(By Amber Healy)

A little over a year ago, I had the opportunity to sit and talk with Tom Fox in the Borders bookstore in Springfield. We spent a little over an hour and a half talking about his work in Iraq, his dedication to peace and the path he felt he was called to take. Neither of us had any way of knowing where that path would take him a few months later, nor could he have imagined the impact that conversation has had on me, both personally and professionally.

Tom spoke about his life and his work with directness that told more about his sense of purpose in life than any article, any movie, or tale ever could. He believed in the life he led, in the work he did, in the people of Iraq so much that he put himself in harm's way for months at a time over the past three years. And while he may not come back to tell us all he learned, all the progress he made, all the stories he heard of suffering and hard work and struggles, his life speaks volumes.

A father of two grown children, Tom left behind a life of respectable hard work as the assistant manager of a department in a Whole Foods, a life of routine and safety, to put himself where he felt needed. He joined the Christian Peacemaker Teams to go into war zones, places by definition rife with danger, where his life would be threatened just by being there. He was trained about the dangers, make no mistake about that. He was warned, he was prepared, he was unwavering in what his mission in life held. He put himself, as CPT members vow, in the way.

Tom was not the first American to die in Iraq. He's not even the first person outside the war to lose his life there, So what makes his loss different? What can we learn from the life and death of a 54-year-old man?

He can teach us about forgiveness. Tom would want us to forgive the person who killed him because his violent death was an act of fear, not an act of terrorism. His capture, along with James Looney, Harmeet Sooden and Norman Kember, his CPT coworkers, was an act of desperation, not one of hatred. The actions of the members of the Swords of Righteousness Brigade have been out of anger at something bigger than these four men. It was retaliation, perhaps, but they picked the wrong people to victimize. He would be quick to point out that thousands of lraqis have lost loved ones, through kidnapping or death, for decades. He would mention that his death is one of countless others in the name of war. He would not want to be made an example of, he would not want to be seen as anything other than another loss during wartime. He was a soldier for peace.

For the teenagers who knew Tom and spent time with him at Quaker retreats or youth groups, I am so terribly sorry for your loss. Your teacher has brought you to a point where you can follow in his footsteps in whatever way you are meant. His love of life can be found in all of your smiles, the memories you have of him, the stories you share with each other.

For the members of the Langley Hill Friends Meeting, I grieve with you for the loss of your Friend. He was a truly remarkable man who will be missed more than any of us can say. But the life he led was full of light.

For Tom's children, my heart breaks for you. I have no words to help ease your pain or offer you sufficient comfort. Your father belonged to you more than anyone, and you shared him with all of us. We are so grateful for that, and I hope that might bring you some comfort.

Peace is possible. We just have to remember that it still exists, it can be found, in time of turmoil and grief and war and seemingly insurmountable pain and suffering. The light is always there, even in the darkest night, the most frightening storm, the most painful tests. Peace is always within reach if you stretch out your hand to find it.

[From the (Alexandria) Gazette/The Connection Newspapers, Apr. 6, 2006]

SPEAKING FROM THE SILENCE OF THE FRIENDS OF ALEXANDRIA MEETING: QUAKER FRIENDS AT WOODLAWN EXPERIENCE THE CONTINUING REVELATION OF HISTORY, COMMUNITY, SPIRITUALITY

(By John Teschner)

A few minutes before 11 a.m., the greetings and conversations in the hallway are petering out and the Friends of the Alexandria Meeting at Woodlawn are slipping into the meeting room to begin worship. Despite the faint hum of voices still audible outside, the silence within the room envelopes each friend as he or she steps through the door into the stillness.

The room is either 155 or 140 years old, depending on which side of the room the question refers to. Its white walls with dark wood paneling are interrupted frequently by windows, and the sunlight streams through the clear panes. A wood stove still sits on one side of the room, but on this clear and cold March morning the warm air is flowing from modern vents. The wooden benches face towards the center, parallel to the walls behind them. They are constructed simply and solidly. Some bear graffiti left by the bored hands of idle men. They are the name of people and places, Union soldiers temporarily hospitalized or picketed on a long patrol, leaving a record that they existed, that they had a home.

The worship meeting has begun, though no one has begun it. The stillness folds inward.

''Quakers believe that they come into worship to wait on God. We believe in continuing revelation, that God directs us. By sitting in this silence and listening we receive that direction and support,'' said Linda Spitzer, the clerk of Woodlawn Quaker Friends Meeting, a position that, like many aspects. of the Quaker community, resists definition but is essentially an elected executive who serves a three-year term.

''You're there with your own thoughts,'' said Meghan Evans, a Friend in the meeting.

''Holding things up to the light,'' added Christine Fernsler, who is a teacher at Sidwell Friends School.

Meeting lasts one hour. It is possible the entire hour may be spent without a word being spoken. More commonly, a Friend will be moved to stand and make a statement, putting into voice thoughts engendered by the meditative silence. These statements are usually brief and infrequent. Even a ''talkative'' meeting will contain more silence than speaking. But words dropped into stillness are heavy, and the ripples they leave in people's thoughts last long after the speaker has taken a seat again.

''When people speak out of the silence, we often hear that of God in them . . . It's not a canned sermon, what bubbles up is what's on people's mind,'' said Spitzer.

''What's coming out of meeting—spoken and unspoken—is perspective,'' said Holly Mason. ''It changes your priorities—what's really important or less important. That's what all religion really does . . . Meeting is the format that works for me to worship . . . it puts a lot more responsibility on you, on the individual. The ministry is not the responsibility of some overreaching priest or clergy, but from within and from each person.''

The Alexandria Friends Meeting at Woodlawn was founded by a group of Quakers from New Jersey and Pennsylvania. They moved to the area in the late 1840's for two reasons: to find oak timber suitable for selling to Northern builders of clipper ships and to start a plantation that would employ free blacks and prove that it was possible to make money without slave labor. ''You see how practical these people were,'' says Jones.

Quakers find diverse ways of bringing the spirituality of meeting into their lives. During the announcements after the meeting, Mason stood up and offered to teach people how to make soap. ''I just want to fill my house with people I make soap as a hobby and I want to invite people over,'' she explained.

''Most of us Quakers . . . think it's really important to put into action what we believe in any way that we are gifted or led. Even though it is a mystical religion, we get involved in the world . . . the mix of mysticism and practicality is why it appeals to me,'' said Nancy Jones, the meeting's liaison to Ventures in Community, a coalition of social services and faith-based organizations along Route 1. ''If God is in everyone of us—when I say God I mean the spirit, life, there are so many names and they're all inadequate—if that presence is within everyone, that leads to certain ways of relating to other people and the world—animate or inanimate . . . I'm comfortable with one-on-one interactions with people. So I find myself situations where I get to relate in that way . . . That's one of my strengths and gifts.'' One way Jones expresses her gift is by being a chaplain at Inova Mount Vernon Hospital. She also has volunteered, along with other Friends, with the Hypothermia Project, staying overnight at Rising Hope's temporary shelter for homeless people during the cold months.

Glenn Elvington describes how Quakers view the business and budget decision-making process as a ''spiritual exercise.'' In earlier days, ''One of the few reasons to be read out of a meeting was to go bankrupt,'' he said. ''The way Quaker spiritual practice blends into everything we do in interacting with the real world is through business meetings. Business meetings held with a sense of worship.'' During these meetings the clerk attempts to ''get a sense of the meeting'' in order to reach a decision. The sense is based more on a spiritual intuition of compromise and agreement rather than on winner-take-all votes or autocratic executive decisions.

''Sometimes people think Quakers are maybe naive,'' said Fernsler, ''but it's a really thought-through seeking to nourish what's good in others. I know it's not so easy sometimes.''

Quakers are and have been active in movements for prison reform, abolition, equal rights, and peacemaking. In the 19th century, many Quaker homes were stops on the Underground Railroad that helped escaped slaves reach free states. In the 21st century, Quakers have been prominent in the antiwar movement. Tom Fox, who was taken hostage and ultimately murdered in Baghdad,—. attended the Woodlawn Meeting until the mid-1980's. Some of his family members still attend the meeting, and many Woodlawn Friends shared strong bonds with Fox.

''That's where the peacemaking is rooted, in building fellowship between people,'' said John Stephens, who has helped manage a memorial Web site for Fox. He was discussing Quakerism's identity with Christianity and its philosophical roots in the bible. Stephens cites the letters of Paul, which describe the Eucharist as the simple act of sharing a meal and bringing people together. ''That is really what Tom [Fox] was most involved in,'' Stephens said, ''sharing meals with people and building civility on frontiers between friend and enemy.''

Gordon Roesler describes the meeting's participation in the Friends Committee on National Legislation. ''One of their primary goals is increasing peace and opposing war

. . . Peacemaking of course is more than just anti-war, much more.''

''And more than just legislation,'' Stephens adds.

''We believe that peacemaking is very local as well as international,'' Roesler said. He explains that the meeting works closely with United Community Ministries, a local nonprofit. ''We view that as peacemaking.'' Stephens added to this. ''What Tom's example reveals to us is that peacemaking is not so much laying demands on the others but enduring sacrifice to serve others . . . Much of peace activism [as practiced by other entities] is making decisions for others.'' But ''Christian peacemaking emphasizes serving rather than dominating . . . With Christian peacemakers, most of the work involves accompaniment, being with groups under attack.'' But, Stephens said, Fox and his colleagues found that in Iraq their presence often exacerbated violence. So they ''had to reinvent'' their role. They ''trained a Muslim peacemaker task force'' and on how to navigate the bureaucracy of the different governing organizations that hold power in the country.

Tom Fox's death brought his work to the attention of the country, but the Friends at Woodlawn remember a life dedicated to small acts of fellowship. Warren Treuer's lasting memory dates from two decades ago, when Fox knew he would be moving to a new meeting. ''One of the last things he did was crawl under the building, in the mud, to wrap insulation around the pipes,'' Treuer said.

As this recollection suggests, maintaining the historical continuity of the Woodlawn Friends community and the building that shelters it is a practical expression of spirituality. This means that the meeting house's location within the grounds of Fort Belvoir has created concern for many Friends.

''It's hard because here we are, a peace activist church, sitting on the edge—surrounded by—a military base,'' said Spitzer. ''We have a lot of members who feel very strongly about peace.'' In response to Sept. 11, a military checkpoint was built at the intersection with Route 1 that controlled access to the meeting house as well as to the base. Some Friends refused to pass through this entrance because of their pacifist beliefs. Belvoir worked with the Meeting to build an alternate drive. On Sunday mornings, the army allows Friends to pass through without entering the checkpoint.

Jim Nations, clerk of the Trustees Committee (which is comparable to a non-profit organization's board of directors) says that he is appreciative of Fort Belvoir for giving them Sunday access and letting them tap into the fort's water system.

Although Spitzer says some soldiers do attend the meeting, many people on the base, as well as in the wider community, know little or nothing about the small white building tucked in among the trees near Woodlawn Gate. James Cartwright was stationed at Belvoir until he retired in 1992. ''The first time I walked in here and sat down for worship I knew this was where I was meant to be,'' That was 12 years ago. But when he was stationed at Belvoir, ''I didn't even know it was here. I drove past the building a whole lot and didn't even know what it was.'' He said he hopes new signs will make that more clear.

''There's been a lot of disagreement among Quakers'' over their relationship with the military, Cartwright said. But Quakerism hasn't changed his perceptions of his own military service. ''My perception was changing before that, which is what led me to find them.'' Cartwright had protested Vietnam, but was drafted. He agreed to join voluntarily only if they would allow him to enter the medical corps. He began as a corpsman and worked his way up to respiratory therapist, the trade he practices today.

Cartwright said the meeting has a lot of appeal for its youngest members. ''We have families that come here because their kids bring them back.'' Children say ''this is one place they could always come and feel totally accepted for themselves . . . We treat children with respect. We treat them as equals. We're on a first name basis. They call me James . . . We don't put any conditions on them, on how they look or dress or be or believe . . . It's a very warm, loving community . . . You see the teenagers interacting with the little kids. You see little kids sometimes walk into meeting and instead of sitting with their parents they sit with someone else.''

Rachel Messenger brings her daughter to meeting, just as her parents brought her. She has been attending meeting ''since I was two years old.'' She remembers when the building had pit toilets and the Friends met only once a month. ''It was a lot smaller then [in the 1960's]. It's really evolved into what it is today,'' she said. ''I find it different than the rest of the world. I find it a lot more loving, more accepting, more tolerant . . . I wanted to raise my daughter in a loving environment.''

Like many American communities, the Friends of Woodlawn are confronting the gaping holes that war tears into the fabric of daily life. Tom Fox heard something in the silence that called him across the earth to bring simple acts of fellowship into a war zone. But during the Civil War, Woodlawn itself was a war zone, caught in the no-man's land between North and South.

Chalkley Gillingham, one of the meeting's founders, kept a journal during this period. During the battle of Bull Run, he wrote, ''while we sat in meeting we heard the noise of war and roar of battle.'' Later he recorded that ''we continually hear the din of drums and guns.'' At various times, the meeting house was commandeered as a picket for soldiers, officers' quarters and a field hospital. But throughout these disruptions, and true to his Quaker sense of practicality, Gillingham maintained the workings of the farm as best he could. May 13, 1864: ''Nearly done planting corn; also very busy about the nursery and tree planting . . . our milk business changed the first of this month into an ice cream business—the [Union] hospitals [in Alexandria] have got someone else to serve them [milk]. We buy all the cream we can get in the neighborhood, say 20 to 50 gallons, and make ice cream. [We] sell it at one dollar a gallon.''

Gillingham's tombstone can be found in the small graveyard behind the meeting house. The names of Union soldiers are carved into the walls and into the benches of the building itself. The Friends of Woodlawn are sitting in the silence.

A friend is moved to speak. He recalls an article in the Washington Post detailing how scientists studying the background radiation of interstellar space hypothesize that 13.7 billion years ago, in one trillionth of a second, our universe sprang into being from the size of a marble. The Friend reads a quotation from the ''Tao Te Ching,'' seeking to understand the deepest origins of science and faith. In this historic, wood-paneled room, with its lantern brackets and iron stove, it is this searching, the silence and the speaking from it, that is the strongest link to Gillingham and the meeting's past.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. GALLEGLY. Mr. Speaker, I was unable to vote on following amendments to H.R. 5441 on June 6, 2006:

King of Iowa Amendment (Roll No. 223): Had I been present, I would have voted ''aye.''

Kingston of Georgia Amendment (Roll Call No. 224): Had I been present, I would have voted ''aye.''

Mr. Speaker, I was also unable to vote to Table the Appeal of the Ruling of the Chair (Roll Call No. 225). Had I been present, I would have voted ''aye.''

And finally, Mr. Speaker, I was unable to vote on passage of H.R. 5441 (Roll Call No. 226). Had I been present, I would have voted ''aye.''

SUPPORT FOR THE WEAPONS OF MASS DESTRUCTION COMMISSION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. MARKEY. Mr. Speaker, I rise today to commend the Weapons of Mass Destruction Commission, and its chairman Dr. Hans Blix, on the release of their major report entitled, ''Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms.'' I urge my colleagues to consider and heed the vital recommendations put forward by Dr. Blix and the Commission. At a time when the spread of weapons of mass destruction endangers all of humanity and the international community struggles to find unity in the face of this threat, the Weapons of Mass Destruction Commission shows us a way forward to a WMD-free future.

As the former Director General of the International Atomic Energy Agency (IAEA) and the Executive Chairman of the UN Monitoring, Verification and Inspection Commission (UNMOVIC), Dr. Blix is uniquely well-qualified to speak on the issue of weapons of mass destruction, and we would do well to listen closely.

I would recommend that all of my colleagues read this important and timely report. I ask that a summary of the Report's principal recommendations be inserted into the RECORD at this point.

WEAPONS OF TERROR—FREEING THE WORLD OF NUCLEAR, BIOLOGICAL AND CHEMICAL ARMS

SYNOPSIS

Why Action Is Necessary: Nuclear, biological and chemical arms are the most inhumane of all weapons. Designed to terrify as well as destroy, they can, in the hands of either states or non-state actors, cause destruction on a vastly greater scale than any conventional weapons, and their impact is far more indiscriminate and long-lasting.

So long as any state has such weapons—especially nuclear arms—others will want them. So long as any such weapons remain in any state's arsenal, there is a high risk that they will one day be used, by design or accident. Any such use would be catastrophic.

Notwithstanding the end of the Cold War balance of terror, stocks of such weapons remain extraordinarily and alarmingly high: some 27,000 in the case of nuclear weapons, of which around 12,000 are still actively deployed.

Weapons of mass destruction cannot be uninvented. But they can be outlawed, as biological and chemical weapons already have been, and their use made unthinkable. Compliance, verification and enforcement rules can, with the requisite will, be effectively applied. And with that will, even the eventual elimination of nuclear weapons is not beyond the world's reach.

Over the past decade, there has been a serious, and dangerous, loss of momentum and direction in disarmament and non-proliferation efforts. Treaty making and implementation have stalled and, as a new wave of proliferation has threatened, unilateral enforcement action has been increasingly advocated.

In 2005 there were two loud wake-up calls in the failure of the NPT Review Conference and in the inability of the World Summit to agree on a single line about any WMD issue. It is critical for those calls to be heeded now.

What Must Be Done: The Weapons of Mass Destruction Commission makes many specific and detailed recommendations throughout its report (see Annex 1 for a consolidated list). The most important of them are summarized below.

1. Agree on general principles of action:

Disarmament and non-proliferation are best pursued through a cooperative rule-based international order, applied and enforced through effective multilateral institutions, with the UN Security Council as the ultimate global authority.

There is an urgent need to revive meaningful negotiations, through all available intergovernmental mechanisms, on the three main objectives of reducing the danger of present arsenals, preventing proliferation, and outlawing all weapons of mass destruction once and for all.

States, individually and collectively, should consistently pursue policies designed to ensure that no state feels a need to acquire weapons of mass destruction.

Governments and relevant intergovernmental organizations and nongovernment actors should commence preparations for a World Summit on disarmament, non-proliferation and terrorist use of weapons of mass destruction to generate new momentum for concerted international action.

2. Reduce the danger of present arsenals: no use by states—no access by terrorists:

Secure all weapons of mass destruction and all WMD-related material and equipment from theft or other acquisition by terrorists.

Take nuclear weapons off high-alert status to reduce the risk of launching by error; make deep reductions in strategic nuclear weapons; place all non-strategic nuclear weapons in centralized storage; and withdraw all such weapons from foreign soil.

Prohibit the production of fissile material for nuclear weapons, and phase out the production of highly enriched uranium.

Diminish the role of nuclear weapons by making no-first-use pledges, by giving assurances not to use them against non-nuclear-weapon states, and by not developing nuclear weapons for new tasks.

3. Prevent proliferation: no new weapon systems—no new possessors:

Prohibit any nuclear-weapon tests by bringing the Comprehensive Nuclear-Test-Ban Treaty into force.

Revive the fundamental commitments of all NPT parties: the five nuclear-weapon states to negotiate towards nuclear disarmament and the non-nuclear-weapon states to refrain from developing nuclear weapons.

Recognize that countries that are not party to the NPT also have a duty to participate in the disarmament process.

Continue negotiations with Iran and North Korea to achieve their effective and verified rejection of the nuclear-weapon option, while assuring their security and acknowledging the right of all NPT parties to peaceful uses of nuclear energy.

Explore international arrangements for an assurance of supply of enriched uranium fuel, and for the disposal of spent fuel, to reduce incentives for national facilities and to diminish proliferation risks.

4. Work towards outlawing all weapons of mass destruction once and for all:

Accept the principle that nuclear weapons should be outlawed, as are biological and chemical weapons, and explore the political, legal, technical and procedural options for achieving this within a reasonable time.

Complete the implementation of existing regional nuclear-weapon-free zones and work actively to establish zones free of WMD in other regions, particularly and most urgently in the Middle East.

Achieve universal compliance with, and effective implementation of, the Chemical Weapons Convention, and speed up the destruction of chemical weapon stocks.

Achieve universal compliance with, and effective implementation of, the Biological and Toxin Weapons Convention, and improve cooperation between industry, scientists and governments to reinforce the ban on the development and production of biological weapons and to keep abreast of developments in biotechnology.

Prevent an arms race in space by prohibiting any stationing or use of weapons in outer space.

TRIBUTE TO SENATOR LLOYD BENTSEN

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. GREEN of Texas. Mr. Speaker, today I am honored to extend my deepest regrets as we mourn the loss of one of our nation's most respected statesmen, Senator Lloyd Bentsen. Senator Bentsen's lifelong service to our country was marked by his sharp intellect, skillful coalition building, and deep personal integrity. As a World War II veteran, public servant, and businessman, Senator Bentsen offered strength of character and compassion to his fellow man. His tireless work on behalf of the citizens of the State of Texas and our nation has made an indelible mark on the institutions and communities he served.

Senator Bentsen began serving his country in 1942 when he enlisted in the U.S. Army during World War II. After briefly serving as a private conducting intelligence work in Brazil, he became a pilot and flew combat missions from southern Italy with the 449th Bomb Group. Senator Bentsen quickly ascended the ranks of the military. At age 23, he was promoted to the rank of Major and given command of a squadron of 600 men. In 18 months of combat, he courageously flew 35 missions against highly defended targets that were crucial to the German war effort. In total, he flew 50 missions over Europe. Senator Bentsen was shot down twice during the war and received the Distinguished Flying Cross, the Air Force's highest commendation for valor, among other decorations.

After the war, Senator Bentsen began his long and distinguished political career, returning to his native Rio Grande as a decorated veteran. In 1946, he was elected Hidalgo County judge, and two years later, at age 27, was elected to the U.S. House of Representatives. Mr. Bentsen served the residents of Houston in the House for 8 years, and then returned to Houston to work in the private sector. After having achieved a great deal of corporate success, he decided to return to public life in 1970 as a candidate for the U.S. Senate. He won a bitter primary and went on to defeat then-Congressman George H.W. Bush for the first of four Senate terms. During his tenure in the Senate, Bentsen sought the Democratic nomination for the presidential primary in 1976, and was the vice-presidential nominee in the 1988 presidential election.

Senator Bentsen's political career was marked by his compassion towards those he served, a deep knowledge of economic policy, and a propensity to build bipartisan coalitions. As a Member of the House, he was only a handful of southern congressmen who voted against the poll tax, which was used to prevent blacks from voting. In the Senate, he attained the rank of Senate Finance Committee chairman, and quickly became one of our nation's most respected voices on tax, trade, and economic issues. Throughout his political career, Bentsen earned the reputation as being highly skilled at navigating the legislative process and crafting deals behind the scenes. As the first Treasury Secretary under the Clinton Administration in 1993, he was one of the architects of the President's deficit-reduction program. In recognition of his service, he was awarded the Presidential Medal of Freedom in 1999.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in honoring the work and accomplishments of Senator Lloyd Bentsen. As a soldier, businessman, elected official, and statesman, Lloyd Bentsen served with honor and distinction. His life-long devotion to public service will serve as an inspiration to future generations of Americans, and his many contributions on behalf of the residents of Texas and the nation will continue to offer guidance to the institutions and communities he served.

HONORING CONGREGATION KODIMOH ON ITS 90TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. NEAL of Massachusetts. Mr. Speaker, it gives me great pleasure to pay tribute to the Congregation Kodimoh of Springfield, Massachusetts as it celebrates its 90 Year Anniversary this year.

It is my honor to represent a congregation whose contributions to Springfield and its Jewish community have been so significant over the years. On this special anniversary, I include in the Congressional Record Congregation Kodimoh's complete chronological history and extend my heartfelt congratulations to Rabbi Alex and Dr. Bella Weisfogel who will be honored for their accomplishments at a dinner on June 11, 2006.

Congregation Kodimoh in Springfield, Massachusetts, is proud of its history as a prominent Orthodox synagogue, which has made important contributions to the strength and vitality of the Jewish and general communities. Kodimoh's story reflects the common immigrant's success story and parallels the growth of the city of Springfield.

Kodimoh which means ''forward'' or ''progress'' in Hebrew was founded in 1916 by a segment of the Jewish community with a spirit of optimism caught up in the success of the first generation of Jewish immigrants and the boom of Springfield as an important economic urban center. The name further suggests the desire of the founding members for the congregation to fit in to the American way of life. The Jewish community formed in Springfield primarily in the North End section of the city in the mass immigration from Eastern Europe in the last decades of the 19th century and early 20th century. When the first generation of Jewish immigrants prospered and achieved economic success, a segment desired to provide for itself a better standard of living.

The move to the beautiful new neighborhood of Forest Park began, and a synagogue was needed. The first meeting of Kodimoh took place in the home of Moses Ehrlich, the first president of the congregation. Kodimoh was founded to maintain Orthodox standards and practices in modern America. English rather than Yiddish would be the language of sermons, while the synagogue and its members would participate in civic affairs. Tradition would feel at home in a new world.

The first building was completed in 1923 on Oakland St. and an adjacent school building was built in 1937. Through the '50s, as more Jews moved to the Park, Kodimoh took its place as a prominent institution in the Jewish community and in the city. The congregation maintained traditional Jewish practice and effectively educated the new generation. The membership required more space for the burgeoning program of services and activities, and the current modern facility was built in 1963, a short distance away on Sumner Ave. While a large segment of the Jewish community and several synagogues moved to Longmeadow, an adjacent suburb, the leadership of Kodimoh decided to keep the synagogue in Forest Park.

The new building witnessed extensive growth through the '70s as Kodimoh continued to follow its mission of maintaining Orthodox Judaism, involvement in the broader Jewish community, and local affairs. As the economic opportunities in Springfield declined, the synagogue also saw many young people seek jobs elsewhere. However, Kodimoh remains a vibrant and important religious center which makes a vital contribution to the community. We have faith that Springfield will continue to strengthen itself and the synagogue will benefit.

Many important rabbis have served the congregation. Rabbi Isaac Klein continued his prominent career in Buffalo, while Rabbi Norman Lamm became the President of Yeshiva University. Rabbi Alex Weisfogel from 1959–1982 led the synagogue during the construction of the Sumner Avenue building and oversaw the congregation's growth. As Rabbi Emeritus, he has remained in the community with his wife, Dr. Bella Weisfogel. Together they continue their involvement in synagogue and community activities. Not only did Bella support her husband's endeavors, in her own right she contributed in significant ways to the educational and social programming of the synagogue. For all of their accomplishments, Kodimoh honors Rabbi Alex and Dr. Bella Weisfogel at a dinner celebrating the 90th anniversary on June 11, 2006.

TRIBUTE TO JUDGE LEONARD PERRY EDWARDS II

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Ms. ESHOO. Mr. Speaker, I join my colleagues Mr. HONDA and Mr. FARR today to honor a distinguished American, Judge Leonard Perry Edwards II, who is retiring after nearly 25 years as a Judge of the Santa Clara County, California, Superior Court, and who served as Supervising Judge of the Juvenile Dependency Court from 1993 to 2005.

Judge Edwards' excellence in public service mirrors that of his father, Congressman Don Edwards. He was born in Michigan, earned his B.A. from Wesleyan University and his J.D. from the University of Chicago. Before becoming a Judge he registered black voters in Mississippi during the Civil Rights movement, served in the Peace Corps in Malaysia, taught law in Norway, served as a Public Defender and practiced law. In 1981, he was appointed Superior Court Judge of the Santa Clara County Court by Governor Jerry Brown.

Judge Edwards founded Child Advocates of Santa Clara and San Mateo Counties, Kids in Common, Juvenile Court Judges of California, Santa Clara County Domestic Violence Council, the Greenbook Project and the Forensic Human Services Certificate Program. He has held office in more than 25 professional organizations, and most recently served as President of the National Council of Juvenile and Family Court Judges. He has received more than 40 national, state and local awards for his excellence and service, including the William H. Rehnquist Award for Judicial Excellence, given by the National Center for State Courts. He has published more than 40 articles and written two books, one with his wife, Inger J. Sagatun-Edwards. Judge Edwards has lectured in 43 states and eight foreign countries. His next career will be as a consultant for California's judicial system which will enable him to teach his innovative methods to judges around the State.

Judge Edwards has earned the esteem of his colleagues and the admiration of the families to whom he has devoted his career. Because of his tenacity, his creativity, his compassion and his belief in others, thousands of families are now rehabilitated and functioning well.

It is a special privilege for us to honor Judge Leonard Edwards and his extraordinary career, and we are proud to call him our friend. Mr. Speaker, we ask our colleagues to join us in honoring this great American who exemplifies the best in citizenship and whose career in jurisprudence sets the gold standard for our country. As Judge Leonard Edwards retires, he has the gratitude and respect of the entire House of Representatives. He has made our community and our country stronger and better through his leadership and public service.

TRIBUTE TO BUDDY CANNON

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. COOPER. Mr. Speaker, I rise today to recognize the outstanding achievements of one of Nashville's most respected music professionals, Buddy Cannon. Just two nights ago, Buddy was named by his peers as the Producer of the Year at the Academy of Country Music Awards in Las Vegas.

Buddy has worked with a long-list of chart-topping recording artists during his years in Nashville. Kenny Chesney, Chely Wright, Reba McEntire, John Michael Montgomery, Sara Evans and George Jones have all benefited from his work as a producer. In addition, he helped launch the careers of stars such as Shania Twain, Sammy Kershaw and Billy Ray Cyrus while a recording company executive. While his award this week honors him for his work as a producer, he is also well known and celebrated as a songwriter with songs recorded by artists from Mel Tillis to Alabama, George Strait and Vern Gosdin.

According to those who have worked with Buddy, his gifts extend beyond the world of music. Buddy is known throughout the music community for his generous spirit and his willingness to spend time with young artists who are still in search of their own sound. Kenny Chesney, honored by the ACM as Entertainer of the Year, said recently that ''Back before I even had a record deal, Buddy was writing songs with me at Acuff-Rose and he gave me a lot of respect as someone trying to find their way, and he taught me a lot about respecting songs—even before he was part of my team.''

Buddy Cannon's passion for music and respect for musicians is well known in Nashville and the music world. I join with so many others in congratulating Buddy on his latest achievement—being named Producer of the Year. But I also join with so many others in thanking Buddy for his many important contributions to the global music community and to my hometown of Nashville.

PERSONAL EXPLANATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. MILLER of Michigan. Mr. Speaker, had I been present for votes on June 6, 2006, I would have voted ''yes'' on roll call votes numbered 223, 224, 225, and 226.

TRIBUTE TO COLONEL JAMIE L. ADAMS, USAF

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. INGLIS of South Carolina. Mr. Speaker, I rise today to congratulate Colonel Jamie L. Adams on the occasion of his retirement from the United States Air Force after more than 30 years of distinguished service to the Department of Defense and his country.

A native son of South Carolina, Jamie grew up in Greenville, just a stone's throw from my home in Travelers Rest. After graduating from Carolina High School in Greenville, he set out on a military career, heading across the state to Charleston, and enrolling in The Citadel, earning a degree in business administration and a commission as a second lieutenant in the United States Air Force in 1973. Now, some 33 years later, this highly respected Air Force acquisition professional will end his military career while serving as the chief of staff of the Defense Contract Management Agency (DCMA). DCMA is a worldwide organization of 11,000 military and civilian personnel responsible for ensuring that the supplies and materials going to our men and women in uniform are delivered on time and are of the highest quality.

As a newly commissioned officer, Jamie was assigned to the procurement office at Moody Air Force Base in Georgia. It was there that his ascent to the top echelons of the Defense acquisition community began. Displaying a penchant for understanding the intricacies of Federal contracting, he blazed a career path that in the ensuing decade took him to various contracting assignments throughout the United States and saw him rise through the junior-officer ranks.

In the mid-1980s, Jamie was named chief of the contracting division of the 67th Tactical Reconnaissance Wing at Bergstrom AFB, Texas, and promoted to the rank of major. While there, he earned a master's degree in business administration, an academic credential that would serve him well as he took on positions of increasing authority and responsibility within the pressure-packed realm of Air Force acquisition management. In 1999, after having been promoted to the rank of colonel, he was tapped to be the chief of contracting for the Air Mobility Command at Scott AFB, Illinois, a demanding job in which he led a cadre of more than 600 contracting professionals who exercised stewardship of $1.4 billion for procurement in support of America's strategic and tactical airlift mobility network.

But all that was prelude to his capstone assignment for the past two years as DCMA chief of staff, a position that showcased his acquisition knowledge, his human-relations skills, and his results-producing leadership. With Col. Adams in the vanguard, DCMA successfully adopted the principles of performance based management, ensuring effective, outcome-centered support to its customers—principally the military services and National Aeronautics and Space Administration. He consistently demonstrated a blend of technical competence and affability, reconciling divergent points of view and catalyzing the agency's pursuit of acquisition excellence, workforce re-engineering, and customer satisfaction. This past spring, in firm testament to his stature within in the Defense acquisition community, Jamie was a featured presenter at the Institute for Defense and Government Advancement-sponsored Defense Acquisition 2006 forum, where he shared his insights on contingency contracting and the management of contractors on today's battlefield—a challenge of considerable import over the past three years.

Whether he was approving base-level purchase orders, maintaining vigilance over major systems acquisitions, or steering a large Defense agency through the white waters of change, Col. Adams served with unwavering diligence, integrity, and competence. On the occasion of his retirement from the United States Air Force, I offer my congratulations to one of South Carolina's finest sons and wish him and his wife, Sandra, well in their future pursuits.

TRIBUTE TO CHRIS SWECKER

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. MYRICK. Mr. Speaker, I would like to honor and recognize Chris Swecker, the Federal Bureau of Investigation's Assistant Director for the Criminal Investigative Division and Acting Executive Assistant Director for Law Enforcement Services. On July 13, 2006, Agent Swecker will be retiring from the FBI. His years of service to America have been invaluable, and he will be missed.

Assistant Director Chris Swecker has served in the FBI since June 13, 1982. In his early years in the Bureau, he served as a special agent in Charlotte, North Carolina and in Oklahoma City, Oklahoma. Later, he served as a supervisor in the Civil Litigation Unit, Legal Council Division, at FBI Headquarters, as acting Special Agent in charge in Miami and Houston, and as an Inspector with the Inspection Division. He later returned back to Charlotte, North Carolina, to serve as Special Agent in Charge from 1999 to 2004. In 2004, he was promoted to Assistant Director for the Criminal Investigative Division. He has also been serving as Acting Executive Assistant Director for Law Enforcement Services since February of 2006.

Chris has served our country in all these different roles with honor and distinction. His work has made America a safer place. During his time in the FBI, he dismantled a Hezbollah terror cell in Charlotte, served as the commander of FBI operations in Iraq, and captured the top 10 fugitive Eric Rudolph. In addition, he has helped streamline and upgrade the criminal investigation divisions in the FBI so that they are more efficient and effective. He has fought public corruption, violent gangs, has protected America's children, and has even formed special child abduction response teams.

Chris has accomplished all this, while being a loving husband and a father to three daughters. I know I speak for everyone back home when I say thank you Chris, for all your hard work. We are safer because of you. Congratulations on your retirement, and best of luck.

TRIBUTE TO LOUISE McKOWN

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. WAMP. Mr. Speaker, I rise today to honor Louise McKown of Oak Ridge, Tennessee, who was recently recognized here in Washington by the American Bar Association. She received the Paul G. Hearne Award for dedicating her personal and professional life to improving the lives of people with disabilities in her community.

Thirteen years ago when she began to have trouble walking, Ms. McKown was diagnosed with a rare, degenerative neurological condition. It has grown increasingly worse over time and severely restricted her mobility, but anyone who knows her will tell you nothing can hold this very special woman back.

Paul G. Hearne, for whom the award was named, was born with a connective tissue disorder that limited his growth and restricted his movement. But with hard work and determination, he fought through it and created opportunities for himself and others. Like Hearne, Ms. McKown's life is marked by similar achievements despite daunting physical setbacks.

Since 1996, she has worked at the East Tennessee Technology Access Center in Knoxville as their public awareness coordinator and systems change advocate and analyst. The Access Center is the region's only nonprofit agency that helps people with disabilities gain knowledge of assistive technology. It serves people with disabilities in 24 counties—helping them learn, work, play, and lead more productive, independent lives.

A tireless spokesperson for the rights of people with disabilities—whether they were born with a disability or became disabled through an accident, illness or old age—Ms. McKown has fought for their rights to live with dignity and choice. Her achievements on the behalf of the disabled are too numerous to list, but several deserve mention here on the House floor.

In Anderson County, where she lives, she has served on the County Commissioner's Americans with Disabilities Act Oversight committee since its inception in 1995 and now serves as its chairwoman. Ms. McKown has also provided her expertise to the Tennessee Disability Coalition, the lead agency for 35 disability-related organizations statewide. Through her work with the Coalition's Project Vote, Ms. McKown helped drive improvements to polling stations that increased voting access for disabled citizens of Anderson and Knox Counties.

Ms. McKown's energy and caring touch reached from Anderson County across the State of Tennessee. Because of her involvement with the Coalition, when the State rewrote the code governing the Department of Mental Health and Developmental Disabilities in 1999, she was asked to be one of five independent reviewers of the final draft. Her recommendation that group homes across the State for people with developmental disabilities should be less crowded was accepted. Now instead of eight people, they are only permitted to house half that many, greatly improving the quality of life for these physically challenged Americans.

Ms. McKown's life is an example for other Americans, showing that nothing and no one can hold you back if you put your mind to achieving what you want. In the words of her friends, she is truly a woman on a mission and I am proud to stand here on her behalf today.

BEULAH SPATZ

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Beulah Spatz for her 70 years of service to her employer, Campbell's Fitting Company of Boyertown, Pennsylvania. Beulah began with the company, then called Campbell Nipple works, in 1936 with a high school degree and a passion for math and accounting.

Beulah began her career as a receptionist and clerk for the owner, Mr. Louis Campbell. In 1939, Beulah's career dream came true when Mr. Campbell elevated her to the position of controller.

In 1949, Mr. Campbell sold the company to Mr. Frederick Paff, who changed the company's name to Campbell Manufacturing Company and, with this son Thomas D. Paff, expanded and improved business operations and opportunities. Today, under the leadership of Thomas J. Paff, Campbell is a leader in the industry both nationally and internationally.

Beulah has steadfastly stayed with the company through name and ownership changes. In the years she worked at Campbell, she's gone from using a typewriter to main frames to the modern personal computer. Beulah has been the company's foundation and her colleagues remark that she always knew where every penny was coming from and being spent.

Beulah is now looking forward to spending her hard-earned retirement with her daughter Suzie. Mr. Speaker, I ask that my colleagues join me today in honoring Beulah Spatz for her exemplary record of service and dedication to the company, its management and employees. And I wish to extend to her this institution's best wishes for health and happiness in the coming years.

RECOGNIZING THE BUSINESS AND CIVIC ACHIEVEMENTS OF PASQUALE T. DEON, SR.

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to recognize the achievements of Pasquale (Pat) T. Deon, Sr. a constituent in my district who will be honored tomorrow at the 2006 annual scholarship luncheon at the Justinian Society of Philadelphia for his contributions to the business community in the Philadelphia region and the community of Bucks County, Pennsylvania where he lives.

Since 1935, the Justinian Society has served as the premier legal organization in the Philadelphia area for Americans of Italian ancestry. Comprised of attorneys, judges and law students, the society has directed itself to maintaining the honor of our legal system and the high ethical standards that distinguish its practice in our society. The Justinian Society accomplishes its mission by promoting continuing legal education programs, offering scholarships to Italian American law students and by promoting civic engagement by the legal community.

Pat Deon is a respected member of the Bucks County community. A successful businessman and entrepreneur, Pat has become a leader in his region, serving on numerous local and statewide boards and commissions. Since 1995, Pat Deon has been a volunteer member of the Board of the Southeastern Pennsylvania Transportation Authority (SEPTA), and has served as Board Chair since 1999. Since being named chairman of SEPTA, Pat Deon has transformed this $3 billion public transportation asset from an organization wracked by inefficiency to a model of progress and competence.

With SEPTA well in hand, Pat turned his attention to our highways in 2002 and was appointed to a four-year term as a member of the Pennsylvania Turnpike Commission. Besides his public works, Pat Deon is also actively involved in community service. He is Vice Chairman of the Board of Directors of Temple Lower Bucks Hospital, board member of the Bucks County Community College Foundation, and the Bucks County Enterprise Zone.

In addition to these endeavors, both Pat and his wife Carlene are strong local supporters of the Special Olympics, the American Red Cross and Race for a Cure. His work with the Special Olympics alone has allowed a delegation of 116 athletes and coaches to attend the first ever USA National Games in Iowa.

For many, this would be enough, but Pat has also excelled in business. Pat Deon has extensive residential and commercial real estate developments in Bucks and Montgomery Counties, and construction services in the Northeast region. He is also the owner of WBCB–AM radio in Bucks County and a successful restaurateur through his ownership of the Temperance House Restaurant and Inn located in Newtown, Bucks County, Pennsylvania.

I can think of no better person deserving the honor of the Justinian Society as Pat Deon. His success is a clear example that the American Dream is indeed alive and well. In addition to serving as a model of success, Pat Deon is also an example of modesty. He never searches for the spotlight, never craves fanfare or publicity for his good works. I am proud to represent him in Congress, and I am proud to acknowledge him today.

HONORING MRS. ELIZABETH R. RUSIN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise this evening to recognize Mrs. Elizabeth R. Rusin of Chicago. Mrs. Rusin will be retiring after four decades as an educator and administrator with the Archdiocese of Chicago.

Mrs. Rusin grew up at Maryville Academy in Chicago where she graduated high school. After attending 1 year at Clark College in Dubuque, Iowa, she left college to raise a family. She later returned to college to earn a bachelor of arts in speech therapy and education at Mundelein College in Chicago.

In 1971, Mrs. Rusin taught at St. Viator School in Chicago, where she served as assistant principal from 1974 to 1979, when she left to attend Northern Illinois University, where she earned a master's degree in educational administration. From September 1980 to June 1988, Mrs. Rusin served as principal of St. Francis of Assisi School in Chicago, where she met her husband, Ben Rusin, who was actively involved in the parish. In 1989, Mrs. Rusin returned to the classroom to teach junior high school science for 2 years at St. Edward School in Chicago.

In 1991, Mrs. Rusin came to St. Josaphat School in Chicago, where she has served as principal for the past 15 years. When Mrs. Rusin began her tenure, St. Josaphat had 85 students and was on the brink of closing. Today, St. Josaphat is flourishing with over 250 students. Through a groundbreaking program with DePaul University, Mrs. Rusin has brought new learning methods to St. Josaphat. Mrs. Rusin and Dr. Akihiko Takahashi joined forces to train St. Josaphat teachers, as well as DePaul student teachers, in the methods of learning and teaching utilized in Japanese schools.

During Mrs. Rusin's time as principal of St. Josaphat, the school has been widely recognized throughout the Archdiocese and the city of Chicago as one of the premiere educational facilities for pre-school through 8th grade. Mrs. Rusin was recently awarded the Sheffield Star Award, presented each year to two individuals who bring distinction and leadership to their profession and make the Sheffield Neighborhood a multi-faceted and desirable place to live.

Under the leadership of Mrs. Rusin, St. Josaphat continues to achieve its mission to educate and challenge its students to see beyond themselves and go beyond the familiar so that they may lead responsible, fulfilling lives. Mrs. Rusin has been devoted to preparing her students for academic excellence in their continuing educations.

Mr. Speaker, on behalf of a deeply grateful community and with enormous appreciation for decades of dedicated service to students, alumni, faculty, staff, and friends, I thank Mrs. Elizabeth Rusin for her extraordinary leadership and selfless commitment to learning and to the city of Chicago. Mrs. Rusin left a mark on each school she was a part of and will not be forgotten. We will remember her countless contributions, and wish her continued success in her retirement.

TRIBUTE TO ROGER S. MEIER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor the memory of a distinguished American, Roger S. Meier, who died on June 5, 2006, at the age of 80.

Mr. Meier, a fourth-generation Oregonian who lived most of his life in Portland, was a descendant of the founders of the Meier & Frank Company. He graduated from Yale University and married Laura Schwartz of New York City in 1952. He worked at Meier & Frank as a Director and Vice-President until the store was sold to the May Company in 1965.

Mr. Meier was the President and Chief Executive Officer of AMCO, Inc., a privately

owned investment company for more than 30 years. The Governor of Oregon appointed him to the Public Employees' Retirement Board in 1970, and he also served through appointment on the Oregon Investment Council from 1973 to 1986 as Chairman. The Oregonian observed that unpaid public service has rarely, if ever, generated such a profound financial benefit for Oregonians.

Mr. Meier served with distinction as Chairman of the Board of Trustees for the Portland Art Museum, and as Director of Pacific Western Bank, PacWest Bancorp, NI Industries, Fred Meyer, Inc., Key Bank of Oregon, Red Lion Inns, Key Trust Company of the Northwest, and The Acorn Family of Funds. Mr. Meier also gave generously of his time and talents through his service on the boards of the Catlin Gabel School, University of Oregon Health Sciences Center, Good Samaritan Hospital, the Oregon Historical Society and the Legacy Health Systems Retirement Trust.

Mr. Meier is survived by his wife, Laura; his daughters, Alix Goodman and Jill Garvey; his sons-in-law, Tom Goodman and Tony Garvey; and four grandchildren, Laura and Caroline Garvey, and Andrew and Reid Goodman. He is also survived by his nieces Muffie Meier, Mary Meier Ryan and Lynn Novelli, and his grand-nephew J. Allen Meier Ryan.

Mr. Speaker, I ask my colleagues to join me in extending our sympathy to the entire Meier family. Roger Meier was a national treasure, who loved his community and his country and served them exceedingly well. He will always be missed and never forgotten.

TRIBUTE TO MR. ORLANDO MARIN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. SERRANO. Mr. Speaker, as New York City prepares to host the 48th Annual Puerto Rican Day Parade, a celebration or Puerto Rican culture and heritage, I would like to rise to pay tribute to Mr. Orlando Marin. A great Puerto Rican musician, Orlando continues to excite audiences with his masterful play that has earned him the title: the Last Mambo King.

Mambo was exploding in the early 50s when a young Orlando, captivated by its rhythms, developed a keen interest in Latin percussions. At the age of 16, while preparing for a career as a cartoon illustrator at New York's prestigious High School of Industrial Arts, he formed a small band. The band quickly evolved into a ten-piece orchestra and was the first of the Bronx-born Latin Dance ensembles to achieve solid commercial success, appearing in such renowned venues as New York's fabled Palladium Ballroom. The youthful ensemble, appropriately nicknamed La Orquesta de la Juventud (the Orchestra of Youth), included 14 year old Eddie Palmieri on piano and 15 year old Joe Quijano on vocals, both of whom were destined to become Latin Music greats in their own right.

Orlando soon began to emerge as a Mambo star, recording ''Mi Mambo'' with the Plus label and ''Arriba Cha Cha Cha'', and ''Let's Go Latin'' with Fiesta Records. However, in 1958 his quick assent to stardom was interrupted as he was drafted by the U.S. Army to patrol Korea's DMZ as part of the U.N. occupation forces. Although stationed in Korea, Orlando was determined to keep his music alive. He entered the All Army Talent Competition, winning first prize in the Pacific Command. A musical tour of Korea and Japan followed, with a trip to Washington DC for the finals, capped by a performance on The Ed Sullivan Show. '' While still in uniform and stationed in California, Orlando once sat in for Tito Puente on timbales at the Hollywood Palladium. Years later he appeared with Tito at the Palladium, this time each leading his own orchestra, and dueling on timbales.

Following his military service, Orlando returned to New York and was featured at various New York dance venues, including the Limbo Lounge and the Bronx's renowned Hunts Point Palace.

Orlando's maturation as an artist became evident with the release of the albums: ''Se Te Quemo La Casa'' ''Que Chevere'' and ''Esta en Algo'' which included his smash hit ''Aprende a Querer'', hailed by his peers to be his best. However, Orlando demonstrated his true musical genius when he began to move outside of the familiar Mambo box, releasing ''Out of My Mind'', the first Boogaloo album ever recorded, and ''Saxaphobia'', which contained arrangements for five saxophones but none of the traditionally Latin trumpets.

Orlando's music is appreciated not only by the denizens of New York's traditional Latin dance venues, but also by non-Latin fans throughout the five boroughs and beyond. In 1999, the Governor of New York presented Orlando with the Bobby Capo Lifetime Achievement Award in recognition of his dedication to Latin music and his fans for nearly a half century.

Perhaps what is most impressive about this remarkable musician is his willingness to devote time and energy in order to help those who are less fortunate than he. Orlando has served as an employment counselor for community based organizations, including the National Puerto Rican Forum, thereby helping countless young men and women find the road to success. In addition, he spends a great deal of his time performing for those who cannot come to see him, such as hospital patients, inmates of correctional facilities, and nursing home residents throughout the New York area.

Mr. Speaker, for his masterful play, innovative genius, and devotion to his fellow man, I ask that my colleagues join me in honoring Mr. Orlando Marin, the Last Mambo King.

HONORING KEVIN M. McCANN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise to honor Kevin M. McCann of Chicago for his many years of service and dedication to education. After 32 years in elementary education. Kevin is retiring from his position as principal of Jamieson Elementary School in the 5th District's Lincoln Park neighborhood.

A lifelong Chicagoan, Kevin attended St. Patrick High School on the City's west side. He graduated in 1969 and went on to earn a degree in Liberal Arts and Sciences from DePaul University in 1973.

While earning his Masters in School Administration at DePaul, Kevin began teaching General Education at Bell Elementary School in 1974. In 1977 Kevin moved to LaSalle Language Academy, where he taught Upper Grade Mathematics. During his tenure at LaSalle, Kevin earned many distinguished awards including Teacher of the Year in 1979, the Kate Maremont Dedicated Teacher Award in 1989, and the Milken Family Foundation Illinois Distinguished Educator Award in 1990.

In 1991, Kevin moved into school administration when he was named the principal at Jamieson Elementary School. As principal of Jamieson, Kevin immediately challenged his teachers and students to help make Jamieson one of the premier schools in the Chicago Public School system. Under his leadership, Jamieson earned awards in the Academic Bowl, Athletics, Oratory, Robotics, the History Fair, the Science Fair, and the Math Competition. In 1999, Kevin qualified as a finalist for the Outstanding Leadership Award given by the Chicago Principals Association and the Chicago Public Schools.

In addition to teaching, one of Kevin's other passions has been his love for his alma matter, DePaul University, the place his father called home professionally for many years. Our educational community will continue to be served by Kevin as he begins his new job next fall at DePaul, coordinating the student teaching program.

The same year Kevin began his position as principal of Jamieson Elementary School, he married his wife, Carol. Together they are the proud parents of three daughters, Maggie, Rachel, and Bridget. Kevin's family has always been a priority in his life, and Kevin plans to spend much time with them as he begins the next phase of his life.

Mr. Speaker, I join with all of those Kevin has influenced throughout his career as an educator in recognizing Kevin M. McCann for his years of devotion to education and service to our community while at Jamieson School, and wish him continued happiness in the future.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Ms. ESHOO. Mr. Speaker, due to reasons beyond my control, I was unable to cast votes on rollcall votes 211 through 222 on the evening of May 25th of this year. I would like the record to reflect how I would have voted on the following rollcall votes.

On rollcall vote No. 211, I would have voted ''yes''; On rollcall vote No. 212, I would have voted ''no''; On rollcall vote No. 213, I would have voted ''yes''; On rollcall vote No. 214, I would have voted ''yes''; On rollcall vote No. 215, I would have voted ''yes''; On rollcall vote No. 216, I would have voted ''yes''; On rollcall vote No. 217, I would have voted ''yes''; On rollcall vote No. 218, I would have voted ''yes''; On rollcall vote No. 219, I would have voted ''yes''; On rollcall vote No. 220, I would have voted ''yes''; On rollcall vote No. 221, I would have voted ''yes''; On rollcall vote No. 222, I would have voted ''no.''

TRIBUTE TO THE NATIONAL PUERTO RICAN DAY PARADE

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the 48th Annual National Puerto Rican Day Parade, which will be held on June 11, 2006 in New York City. This parade, which celebrates the heritage of the Puerto Rican people, is one of the largest outdoor events in the United States.

The first New York Puerto Rican Day parade, held on Sunday, April 12, 1958 in ''El Barrio'' in Manhattan, was a wonderful event in the heart of the city's Puerto Rican community.

In 1995, the overwhelming success of the parade prompted organizers to increase its size, and transform it into a national affair now known as the National Puerto Rican Day Parade. This magnificent New York institution now includes participation from delegates representing over 30 states, including Alaska and Hawaii and attracts over 3 million parade goers every year.

The great success that this parade has enjoyed over the years is a result of the tireless efforts of many individuals from all walks of life who are dedicated to preserving and celebrating Puerto Rican heritage and culture. Leading this effort is the National Puerto Rican Day Parade, Inc. a non-profit organization founded in 1995 with the mission of increasing the self-awareness and pride of the Puerto Rican people as a way of addressing issues of economic development, education, cultural recognition, and social advancement.

The parade up New York's Fifth Avenue, while certainly the most visible aspect of the celebration of the Puerto Rican people, is not the only event associated with the National Puerto Rican Day Parade, Inc.'s activities. Each year more than 10,000 people attend a variety of award ceremonies, banquets and cultural events which not only help to highlight, but also strengthen the special relationship shared by Puerto Ricans and the City of New York. Over the years, the two have developed a symbiotic relationship—Puerto Ricans sharing a vibrant and beautiful culture that has helped turn New York into a bilingual city and the City of New York helping Puerto Ricans to flourish economically, politically and culturally. The annual parade captures the spirit of this special relationship and celebrates its success.

Mr. Speaker, as a Puerto Rican, a New Yorker, and a Member of Congress, it is an honor to participate in this national event in which thousands of individuals march along Fifth Avenue in celebration. The National Puerto Rican Day Parade is a communal cultural treasure, national in scope and impact, which unites all New Yorkers. I ask my colleagues to join me in paying tribute to the Puerto Rican people and to all who have worked to ensure that the upcoming parade is a success.

HONORING HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. EMANUEL. Mr. Speaker, I rise today in support of H. Con. Res. 409, commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand. His Majesty King Bhumibol Adulyadej ascended the throne on June 9, 1946 and is the longest-serving monarch in the world.

His Majesty King Bhumibol will receive a special Human Development Lifetime Achievement Award from the United Nations Development Agency for his dedication to social justice, growth with equity, human security, democratic governance, and sustainability.

During his reign, Thailand has become a constitutional democracy in which Thai citizens enjoy the right to change their government through periodic free and fair elections held on the basis of universal suffrage.

His Majesty King Bhumibol has always enjoyed a special relationship with the United States, having been born in Cambridge, Massachusetts, where his father, Prince Mahidol of Songkla was studying medicine.

The United States and Thailand have enjoyed over 170 years of friendship since the signing of the Treaty of Amity and Commerce in 1833, the first such treaty signed between the United States and any Asian country, and on December 30, 2003, President George W. Bush designated the Kingdom of Thailand as a major non-NATO ally.

Mr. Speaker, His Majesty King Bhumibol Adulyadej has proudly led the people of Thailand for 60 years. I rise today to offer congratulations to His Majesty King Bhumibol and best wishes for continued health and prosperity to his Majesty and the Kingdom of Thailand as we continue the historic friendship between the Thai and American people.

RECOGNIZING DR. SAMUEL L. SELINGER

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Miss McMORRIS. Mr. Speaker, I rise today to recognize Dr. Samuel L. Selinger for his unwavering dedication to provide access to affordable health care in the Inland Northwest. After a long and prestigious career as a heart surgeon, Dr. Selinger retired and began to volunteer his time and services at a free health clinic. There he experienced first hand the frustrations associated with caring for disadvantaged citizens and took it upon himself to find a better way to provide them with access to health care.

The effort led by Dr. Selinger contributed to the development of a program in Spokane that caters to the health care needs of the low-income population. As a result of his diligent work, in the fall of 2003, Dr. Selinger witnessed the creation of Spokane's own Project Access. Project Access is a national movement of volunteer physicians that organizes free medical care to individuals that have a low income. After starting more than 10 years ago in Buncombe County, North Carolina there are now over 50 Project Access programs across the country that serve the health care needs of people who would normally be unable to obtain such care.

In addition, Dr. Selinger has made it his responsibility to educate the community's medical professionals on the struggles that low income people face in accessing quality health care. Dr. Selinger has made it a priority to help numerous physicians understand how they can be part of the solution by organizing and contributing their services to chartable medical programs for disadvantaged people.

Project Access continues to grow in the Spokane area. Because of its success, largely due to Dr. Selinger's commitment, the Spokane County Medical Society has agreed to sponsor Project Access and help expand the network of physicians in the Inland Northwest. Not only has Dr. Selinger and his tireless work been recognized by Spokane County, but it has also been recognized by distinguished community members, physicians, and private businesses. The impact of Project Access on our community would not be at the level it is today if it were not for the leadership of Dr. Samuel L. Selinger.

Mr. Speaker, I rise today to acknowledge Dr. Samuel L. Selinger for his exceptional service to the city of Spokane, and to thank him for the role he has played in providing free or low cost health care to the disadvantaged citizens of Spokane.

PERSONAL EXPLANATION

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, had I been in Washington yesterday, June 6, 2006, my votes on the following Rollcalls would have been as follows:

Roll No. 223, King/Campbell—''yes.''

Roll No. 224, Kingston—''yes.''

Roll No. 225, Table the Appeal of the Ruling of the Chair—''yes.''

Roll No. 226, On Passage—''yes.''

IN RECOGNITION OF THE 50TH ANNIVERSARY OF THE CITY OF LIGHTHOUSE POINT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. SHAW. Mr. Speaker, I rise today to celebrate the 50th Anniversary of the wonderful City of Lighthouse Point, Florida. I am proud to have represented the residents of this city for the 26 years I have served in Congress.

Incorporated on June 13, 1956, Lighthouse Point derived its name from its location under the beam of the famed Hillsboro Lighthouse. Armed with a petition signed by over 100 residents favoring incorporation, community leaders traveled to Tallahassee to seek approval. Story has it that 77 names on the petition

were Republicans and they were required to re-register before incorporation approval would be given by the state's Democrat leaders. All 77 agreed to re-register as Independents and incorporation of Lighthouse Point was approved.

In 1956, approximately 150 people resided in the newly incorporated area. Most of these residents had grown up in other parts of the country during the 1920's and 1930's and many had served in WWII. What had originally been farm land was now a network of canals and residential lots providing residents with waterfront living and easy access to the Intracoastal Waterway and the ocean beyond. It was an idyllic place to make a new life for yourself and your family. In 1956, Dwight Eisenhower was elected President and Leroy Collins was elected Governor of Florida, both for second terms, a first class postage stamp was three cents and Elvis Presley's ''Don't Be Cruel'' was the number one record.

Today, Lighthouse Point is a thriving community of approximately 10,767 residents. It has moved from services provided by volunteers to a full service city with its own police, fire, and public works departments. Although it has grown dramatically, as has all of South Florida, it has retained its feeling of a small town community. Eighteen miles of canals, parks and numerous recreational activities and special annual events such as Keeper Days and Lighthouse ''A'' Glow all contribute to the hometown feel of Lighthouse Point. It continues to maintain its heritage and its standard of striving to be the best place to live and raise a family.

Mr. Speaker, Lighthouse Point is a jewel in the landscape of South Florida. I am honored to represent the city and her residents in the U.S. House of Representatives. I am also pleased to take this opportunity to recognize and congratulate Lighthouse Point on the occasion of its 50th Anniversary.

INTRODUCTION OF THE SAFE COMMISSION (SECURING AMERICA'S FUTURE ECONOMY)

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. WOLF. Mr. Speaker, few are willing to admit—much less discuss—the looming financial crisis facing our country.

However, the longer we put off fixing the problem, the worse the medicine will be and the greater the number of Americans who will be hurt. We need to begin this conversation with the American people today.

That is why I am introducing legislation to establish a national commission that will put everything—entitlement benefits and all other federal programs as well as our tax policies—on the table and require Congress to vote up or down on its recommendations in their entirety, similar to the Base Realignment and Closure Commission (BRAC) first created by former Rep. Dick Armey in 1988.

This commission would be called the SAFE Commission, to secure America's future economy.

Many will say the problem is too big to be fixed. Some will view the proposal as too risky, particularly in an election year. Others will say it is an abdication of congressional responsibility.

My response to such comments is that the problem is so great we can no longer look for excuses not to act. Nothing, I believe, is too big to undertake.

Abraham Lincoln, one of our Nation's greatest presidents, once said, ''You cannot escape the responsibility of tomorrow by evading it today.''

Yet that is precisely what we have been doing—avoiding our responsibility to future generations of Americans by passing on a broken system in the form of unfunded Social Security, Medicare and Medicaid obligations. And it's been both sides of the aisle and in both Republican and Democrat administrations.

The growing gap between money that has been promised to future generations in various entitlement programs and that which is available to pay these promised benefits is staggering.

To meet the government's current unfunded promises for future spending, every American—including multimillionaires like Bill Gates and Warren Buffett—would have to hand over 90 percent of their personal net worth in today's dollars. This is unacceptable.

I deeply believe there is a moral component that goes to the heart of who we are as Americans. By that I mean, I wonder if we have lost the national will to make tough decisions that may require sacrifice? Moreover, have we lost the political courage to reject the partisan and special interest demands and do what is best for our country?

If we remember the legacy we have inherited, the debt we owe to previous generations—our grandparents and our parents and the sacrifices they made to make our country what it is today—we all will be moved to do our duty.

The SAFE commission should be embraced by both sides of the aisle. I am open to suggestions about the legislation from members of both parties. This is a national issue; not a Republican issue or a Democrat issue.

A month ago I took a trip to Antietam National Battlefield. As I walked along ''Bloody Lane,'' the site of one of the most vicious battles of the Civil War, I was struck by how many individuals made the ultimate sacrifice.

September 18, 1862 was the bloodiest single day in American history. There were more than 23,000 casualties, nine times as many Americans killed or wounded than in World War II's D–Day on June 6, 1944. More soldiers were killed and wounded at the Battle of Antietam than the deaths of all Americans in the Revolutionary War, the War of 1812, the Mexican War and Spanish-American War combined.

I also recently visited the site of George Washington's crossing of the Delaware River in anticipation of the Battle of Trenton. Washington was down to only 3,000 soldiers and the war was almost lost. Yet, with great courage—and sacrifice—Washington and his forces were successful in changing the direction of the American Revolution.

And with Memorial Day's recent passing, I think of the tremendous sacrifice being made by the thousands of men and women serving today not only in Iraq and Afghanistan, but around the globe. Their families here at home are also making great sacrifices.

These examples of sacrifice for country are what led me to ask just what are we passing on to those who are coming after us?

In two short years, the baby boom generation will begin trickling into retirement. Five years later, that trickle will become a flood that within five more years will become a tsunami that will begin to wreak havoc on our Social Security and Medicare systems.

As we tragically learned the lesson of Katrina in New Orleans, the best time to deal with a damaged flood wall is before the rains begin. Make no mistake; the levies that are our country's entitlement systems can only be plugged for so long. Without major repair and a long-term fix, we are facing a financial disaster like never before.

There is near unanimous agreement by all who have looked at this issue: Social Security and Medicare are amassing huge deficits and are ill-prepared for the coming flood of new baby boom retirees.

When our retirement security programs like Social Security and Medicare were established, the ratio of workers supporting each retiree was more than 10 times the number supporting retirees today. In 1945, there were 42 workers for each retiree. Last year, the ratio dropped to 3 workers for each retiree and is expected to drop to just 2 workers for each retiree by 2030.

The 2006 Social Security Trustees Report paints a grim picture with projections that the Social Security Trust Funds will begin running cash flow deficits in 2017 and be exhausted in 2040—one year sooner than last year's projection. That means that by the year 2040, the projected federal income will only be sufficient to pay 74 percent of scheduled benefits.

Perhaps even more troubling than the Social Security projections are those for Medicare.

By 2010, the trust fund expenditures are projected to exceed annual income from all sources and the reserves will be depleted by 2018, 12 short years from now. According to the trustees, ''Medicare's financial outlook has deteriorated dramatically over the past five years and is now much worse than Social Security's.''

As a father of five and grandfather of 11—soon to be 12—the challenge posed by the pending retirement of baby boomers strikes me as much more than a routine policy discussion.

Without action, just what kind of future are we leaving to our children and grandchildren?

My youngest grandchild is just two months old. By the time she is 15 years old, 29 cents out of every dollar paid in income taxes will be required to cover the needs of Social Security and Medicare to pay for my retirement. That's not including payroll taxes of almost 15 percent.

By the time she completes her undergraduate degree, more than 45 cents out of every dollar of income taxes then will be needed to cover the shortfall of Social Security and Medicare, rising to 62 cents out of every dollar if she decides to get her doctorate 10 years later. Again, this is on top of payroll taxes.

Sadly, before she retires—and looks into the eyes of her own grandchildren—retired baby boomers will be consuming 88 percent of every income tax dollar. With the baby boomers consuming so much, there will be little money left to meet the needs and challenges of her generation. Not only is this unacceptable, it raises serious moral questions. Is it right for one generation to live very well knowing that its debts will be left to be paid for by their children and grandchildren?

Before he left the Federal Reserve, Alan Greenspan gave a speech in Jackson Hole, Wyoming, where he echoed the significance of the coming baby boom retirement on our budget and economy. In stark language, he noted that because of lower fertility rates and longer life expectancies, we are faced with dramatic elderly dependency ratios that will pose ''substantial challenges to Social Security,'' which he noted is already in ''chronic deficit.''

This coming crisis demands our immediate attention. While there is never a convenient time to make hard decisions, the longer we wait, the more dramatic the required remedy will be.

According to the Government Accountability Office (GAO), balancing the budget in 2040 necessitates one of two alternatives: cutting total federal spending by 60 percent or raising federal taxes by two and half times today's level.

Either of these options would devastate our economy. But if we can summon the resolve to begin these difficult conversations now—and make some hard choices on the front end—we can change our current course.

Basic economics underscore the dangers inherent in our current national trends. America is living on borrowed dollars and borrowed time. U.S. spending is outpacing income growth and personal savings rates have dropped to negative 1.3 percent in the first quarter, meaning that U.S. consumers are spending more than 100 percent of their monthly after-tax income. In spite of this, our economy has remained strong, in large part because other countries have been willing to buy our debt. In fact, we have benefitted greatly from low long-term interest rates that have been kept low largely because of continued foreign purchases of our national debt. As our fiscal deficit grows, we can finance it in one of three ways: through foreign-held debt, through reduced domestic spending, or by selling U.S. goods abroad. In 2004, foreigners bought $900 billion of U.S. long-term bonds. I am told that we now need more than $2.6 billion a day of capital inflows to fund our savings shortfall.

As our fiscal deficit balloons, our current account deficit is projected to hit historically unprecedented highs, and our country's net investment position abroad is eroding rapidly.

While the Asian Central Banks and petrodollar countries like those in the Middle East have no doubt contributed to our country's growth (the housing boom and the ability of U.S. consumers to spend), the purchase of U.S. securities by foreigners has, at the same time, enabled us to live way beyond our means.

This makes our country—and our children and grandchildren—much more vulnerable in the future. Will a geopolitical dispute with a major oil exporter cause it to stop funding our deficit, resulting in a sharp drop in the dollar, a spike in interest rates and a market meltdown?

If foreigners lose faith in the U.S. and our ability to put our own fiscal house in order, their investment decisions could send shock waves through our financial markets and even result in a collapse of U.S. real estate prices.

Our children and grandchildren deserve a future that will allow them to respond to the challenges of their generation.

Who could have predicted, even 10 years ago, that today our Nation would be engaged in a global war on terror.

Each generation faces its own international threats, and we have an obligation to ensure that future generations have the flexibility to respond to the challenges of their time.

In addition to international considerations there are domestic factors. Getting our financial house in order will allow us to prioritize spending in areas such as cutting edge medical research for cancer, Alzheimer's and autism, and for education, particularly in mathematics and science, which are critically important to America's remaining the world's leader in innovation and technology.

It is with the hope of building consensus on this very difficult issue that I am introducing legislation to establish a bipartisan commission charged with evaluating the scope of our fiscal problem and recommending tangible solutions. One of the most critical responsibilities of this panel will be explaining the crisis we face and listening to the American people about how to get the country back on sound financial footing. It will also develop a strategic plan for the future. It will look beyond the Beltway for solutions, holding at least 12 town meetings—one in each of the Nation's Federal Reserve districts—over the span of six months in order to hear directly from the American people.

The SAFE commission will be comprised of 15 voting members, three of which will be appointed by the president, three by the Senate Majority Leader, three by the Senate Minority Leader, three by the Speaker of the House, and three by the House Minority Leader. The director of the Congressional Budget Office and the Comptroller General of the United States will be appointed as non-voting ex-officio members of the commission to lend their expertise. The president will have the ability to appoint the chair from among the 15 voting members.

To be successful, I believe the commission must include men and women who are more committed to their country than they are to their political party and committed to working in a bipartisan manner. Names such as former U.S. Treasury secretaries James Baker and Robert Rubin, former Federal Reserve Chairmen Alan Greenspan and Paul Volker, former Senators Phil Gramm and Bob Kerrey and former Congressmen John Kasich and Charlie Stenholm come to mind. Leading economists from both the public and private sectors must also be included on the panel. Bipartisanship is critical to the commission's success.

I have heard criticism that such weighty decisions on the Nation's financial future are the responsibility of Congress. Because of the ever-increasing politically charged atmosphere that has come to characterize dealings in our capital city, I fear that partisan rather than national interest has become the order of the day. Congress is paralyzed. Our political system is polarized. Many now only think about ''red'' or ''blue'' ideology, which has led to paralysis and disregard of the common good. The American people deserve an honest assessment about the federal government's future saving's account and checkbook—a discussion driven not by politics, but by statesmanship and one which elevates the Nation's sights.

Working together to find common ground, this group will comprehensively review entitlement benefits, patterns in savings and insurance for retirement, tax policies and the long-term implications of increasing foreign ownership of the U.S. Treasury.

Everything must be on the table. As a fiscal conservative, I believe that the economy grows when people keep more of their hard-earned money, and my voting record reflects this belief. But given the enormity of the challenge, the commission needs to be able to look at every component of our fiscal policy to fairly assess where we stand and how we can best move toward a sound fiscal future. In looking at revenues, I believe any changes in the tax code must help simplify the system and stimulate increased economic growth and thereby tax revenue. The late William Simon, who served as Treasury secretary under presidents Nixon and Ford, believed ''the United States should have a tax system, which looks like someone designed it on purpose.''

The IRS estimates Americans spend 6.6 billion hours per year filling out tax forms—including 1.6 billion hours on the 1040 form alone and nearly $200 billion on tax compliance. That amounts to 20 cents of compliance cost for every dollar collected by the tax system.

Shouldn't we have a system that people understand? One that encourages faster growth in business formation, jobs, family income and tax revenue? A simplified tax code also could help increase the personal savings rate, which went negative for the first time since the Great Depression earlier this year.

After spending six months conducting town meetings around the country to determine the scope of the problem and consider solutions, the commission will present to Congress a report describing the long-term fiscal problems, public suggestions and views expressed during the town meetings and policy options available to ensure federal programs and entitlements are available for future generations.

With a bipartisan two-thirds majority vote, the commission will send to Congress a legislative package to implement the commission recommendations no later than 60 days after the interim report. The administration and Congress will have 60 additional days to develop actuarially equivalent proposals to achieve the same cost savings. Essentially, no later than 10 months from the organization of the commission, Congress would be required to vote—up or down—on each proposal.

For example, if the interim report is delivered on January 1, then the commission's legislative package would be due by March 1 and any alternative developed by Congress or the Administration would have to be presented by May 1.

All proposals must include a 50-year CBO score in addition to disclosing any impact on future federal liabilities. If more than one proposal receives a majority, the one garnering the greatest number of votes would prevail.

I have put in the legislation procedures for expedited consideration of the commission's legislation to ensure that the Congress acts. I do not want this to simply be another blue-ribbon commission whose findings end up on a bookshelf somewhere only to collect dust and never be acted upon.

I look forward to working with my colleagues to enact this legislation.

I also welcome a forthright national dialogue. Only by working together in a truly bipartisan manner will we be able to secure America's future economy.

I believe most Americans will welcome it as well, especially considering we all want what is best for our children and grandchildren.

I will close with the cautionary words of George Washington's 1796 farewell address:

"We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear."

CALL TO ACTION FOR THE CHILDREN OF KATRINA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD "Witness for Justice #269" entitled Invisible People, published May 22, 2006 by the United Church of Christ of Cleveland, Ohio. The statement, one of a series of observations on the state of justice in the U.S. today, eloquently written by Carl P. Wallace, Executive Associate of this Church on 700 Prospect Ave. in Cleveland, criticizes the ineffectiveness of the current administration in contending with the devastating impacts of Hurricane Katrina. Mr. Wallace warns us, "Right before our eyes we are losing our children" as they continue to remain invisible in the eyes of the relief and aid workers in the Gulf Coast. Katrina orphaned thousands of children whose ordeal is prolonged due to inadequate health care, public education and housing services. "One in three sheltered children in the Gulf Coast region has some type of chronic illness." Almost none of them have health care coverage. Highlighting the fact that one-fourth to one-fifth of the children in America are growing up in poverty, Mr. Wallace suggests, and I concur, that the 1.9 trillion dollars of tax cuts would be better employed to provide health care for 9 million uninsured children and mitigate child poverty.

I also join Mr. Wallace in questioning the reason behind this invisibility of our children. Are they invisible because "they do not vote, lobby or pay taxes?" Is it acceptable to allow these children to be neglected, even abused? What happened to compassion and human kindness? Mr. Wallace ends on the hopeful note that through prayer and action "the invisible can be made visible." The Children's Defense fund has already released a "Call to Action for Katrina's Children," that focuses on providing immediate health and health services and quality public education, as well as, creating an enduring support base for such endeavors.

I join Mr. Wallace in all his concerns and call upon my colleagues in the Congress to alleviate the suffering of children affected by Hurricane Katrina.

[From Witness for Justice #269,

May 22, 2006.]

INVISIBLE PEOPLE

(By Carl P. Wallace)

Ever wonder what it would be like to be invisible? You could go around and nobody would see you. Nobody would know you existed. Do you remember playing hide and seek? Wow. If you were invisible you could always win the game because no one would be able to find you. "Ollie Ollie ump fee. I'm coming to find you." What a game. Those who could hide the best always won the game. It was great being invisible until you discovered that if no one cared to find you, you really did not win. Regrettably, there is a similar game being played in the Gulf Coast. Our children appear to be invisible. But it is no game. It is a situation of life and death. And right before our eyes we are witnessing the most devastating reality of what it means to be invisible in the richest country in the world. Right before our eyes we are losing our children.

We are literally losing our children due to the lack of adequate health care, public education and housing. There are over 125,000 displaced families in the Gulf Coast. In a Red Cross shelter north of Birmingham, Alabama there are over 2,000 children who have lost their parents. In a FEMA trailer park outside of Baton Rouge 700 of the 1,670 residents are children. In the richest nation in the world one-fifth to one-fourth of our children are growing up in poverty. Of the 1.9 trillion dollars of tax cuts, which will give the richest 1 percent of all tax payers $57 billion each year, we could instead provide health care for all 9 million uninsured children and end child poverty in America. Wow! Centuries ago Jesus said, "Let the little children come to me, and do nothing to hinder them, for the kingdom of heaven belongs to such as these." (Matthew 19:14). Maybe we missed Jesus' request.

Sometimes I wonder where our priorities are. A wise man once said: "Where your heart is there also is your treasure." Are our children our treasure? It is extremely painful to note that one-in-three sheltered children in the Gulf Coast region has some type of chronic illness. Are our children our treasure? In the Gulf Coast region one-half of the children who had some level of health coverage do not have any now. Are our children our treasure? Did the need for health care coverage just disappear? Have a heart. I guess invisible people don't need health care.

Let's think about it. Perhaps our children are invisible because they do not vote, lobby or pay taxes. Let's think about another point. Can you imagine what it must be like to be undocumented and in this situation? Is there such a thing as double invisibility?

The Children's Defense fund released a "Call to Action for Katrina's Children." It calls in part for: immediate emergency mental health and health services for children and their families; quality public education and after-school and summer education; as much attention focused on constructing levees of support for strong health care, family and public education as they will for the construction of the physical levies that will hold back the water in future storms; and, prayer for Katrina children and families and for leaders who work for justice. Prayer and action will make a difference. Our children must be made visible.

Maybe, just maybe, if we lift our voices to make their needs known our children will not disappear right before our eyes. Maybe, just maybe if we take action we will not lose the least of these. Maybe, just maybe we will find our treasure. The invisible can be made visible.

"Ollie, Ollie ump fee. We're coming to find you!"

URGING TOLERANCE AND PEACEFUL CHANGE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Ms. SOLIS. Mr. Speaker, today I rise to express concern about the sharp rise in hate crimes and racial intolerance, and to urge acceptance in our Nation.

A recent report from the Southern Poverty Law Center stated that there were 803 hate groups in the USA last year. This is up from 762 in 2004 and is a 33 percent increase since 2000. The Center's report stated the national debate that has focused on immigration has been "the single most important factor" in spurring activity among hate groups and has given them "an issue with real resonance."

Hundreds of thousands of people marched peacefully throughout the Nation to give a voice for immigrants in this country. Half a million in Los Angeles, 300,000 people in Chicago, 40,000 in Washington, DC, and 20,000 in Milwaukee and Phoenix marched to defend the hopes and dreams of immigrant families. Nearly 40,000 students across Southern California, including students at several schools in my district, marched for the rights of immigrants.

Those who marched did so peacefully. I encourage everyone to remember the great history of change driven by nonviolent action, which is such a vibrant part of our Nation's fabric. Everyone is entitled to their own opinion, but I urge that such expression be done in a peaceful and non-threatening manner.

AMENDING TITLE 49, UNITED STATES CODE

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. STARK. Mr. Speaker, I strongly support putting a stop to the Federal Aviation Administration's abusive and dishonest tactics in negotiating a new contract with the nation's air traffic controllers.

Under an unprecedented interpretation of current law, the FAA is claiming the ability to declare an impasse in negotiations and impose its terms. But such a unilateral action is patently wrong and unfair. It's long past time for Congress to return the parties to an equal footing and get them back to the negotiating table.

I hope that my vote for H.R. 5449 will send a strong message. The agency ought to cease misrepresenting controllers' salaries. If, as the FAA claims, salaries are truly exorbitant, then the agency shouldn't hesitate to enter binding arbitration. The FAA's desire to avoid arbitration speaks volumes about the weakness of its arguments.

Working under incredibly stressful and difficult conditions, air traffic controllers protect the safety of millions of Americans. I hope the FAA will follow Congress' lead in affording them the respect they deserve.

CONGRATULATING ALBERT PUJOLS ON BEING NAMED THE MOST VALUABLE PLAYER FOR THE NATIONAL LEAGUE FOR THE 2005 MAJOR LEAGUE BASEBALL SEASON

SPEECH OF

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. CLAY. Mr. Speaker, I rise in support of H. Res. 626 introduced by my distinguished colleague from Missouri. This resolution will recognize the efforts and achievements of the 2005 National League Most Valuable Player, the legendary St. Louis Cardinals infielder, Albert Pujols.

The professional career and life pursuits of Albert Pujols exemplify nothing short of perseverance, skill, and integrity. His statistics for the first 5 years of his career rank amongst the best in baseball history with a .332 career batting average, 201 home runs and 621 RBI's. Pujols is distinguished as being the only player to have a batting average higher than .300—and to have hit over 30 home runs—and to have driven in over 100 runs in each of his first 5 seasons. He was recipient of the 2001 Rookie of the Year Award for the National League, 2003 National League batting champion, and the Most Valuable Player of the 2004 National League Championship Series. Pujols throughout his athletic career has demonstrated the highest level of sportsmanship and showmanship—earning him the Most Valuable Player of the 2005 National League Championship Series.

In an exceptional 2005 campaign Pujols established career highs in walks and stolen bases. With 41 home runs and 16 stolen bases, he became just the second Cardinal to finish with at least 40 home runs and 15 stolen bases in a single season, after Rogers Hornsby in 1922. Pujols finished second in the National League with a .330 batting average—hitting his 200th career homer along with a grand slam. Additionally, but not understated, Pujols finished with 117 RBI's, 97 walks, and a career low 38 doubles caused by nagging injuries.

Cardinals' fans were given even more ammunition to celebrate in 2005, because Albert Pujols' Most Valuable Player recognition marks the first time that the Cardinals have had both a Most Valuable Player and Cy Young award winner-pitcher, Chris Carpenter in the same year.

Pujols' characteristics and accomplishments are not limited to his accolades on the field. Off the field Pujols and his wife, Deidre, have three children: Isabella, A.J. Alberto Jr., and their newest addition Sophia. Both Pujols and his wife are generous and active supporters of community issues and in 2005 established the Pujols Family Foundation. The Foundation is dedicated to the "love, care and development of people with Down Syndrome and also reaches out to impoverished families in the Dominican Republic."

Recently Pujols became the third fastest player in major league history to reach 25 home runs in a season and was on pace to hit a record breaking 82 home runs—before an oblique injury—which would have surpassed the single-season home run record of 73 home runs held by Barry Bonds.

Albert Pujols has become a role model and an inspiration to his fans, and others, through his many outstanding achievements. I congratulate him on his 2005 successes both on and off the field, and we all wish him a speedy recovery and a quick return from his present injuries. He is truly a modem American hero and I urge my colleagues to support this resolution.

HONORING DR. ALLAN ROSENFIELD

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mrs. LOWEY. Mr. Speaker, I rise today to honor Dr. Allan Rosenfield on his 20th anniversary as Dean of the Mailman School of Public Health at Columbia University.

As Dean of the Mailman School of Public Health and professor of obstetrics and gynecology, Dr. Rosenfield is a true giant in the fields of population, reproductive rights, health policy and human rights.

Throughout his career, he has fought against the global gag rule; worked around the world on issues of family planning and maternal and children's health, and been recognized as a pioneer for his work on maternal mortality.

During his distinguished career, one common denominator is found throughout his work—he embraces the needs of the people least likely to receive care. Dr. Rosenfield is a man who sees need and steps up to the plate to enact change.

Dr. Rosenfield is an extraordinary man whose courage and dedication have inspired all who know him. Among his many admirable traits, there is one I am particularly happy to share with him—his strong belief in the power of humankind kind to change the world for the better.

I am honored to not only know Dr. Rosenfield, the highly respected and dedicated academic, but to call him my good friend.

Mr. Speaker, I urge my colleagues to join me today in recognizing the tremendous career of Dr. Allan Rosenfield and to congratulate him on his 20th year as Dean of the Mailman School of Public Health.

TRIBUTE TO TARA ELIZABETH CONNER, MISS USA 2006

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to honor Tara Elizabeth Connor, a native of Russell Springs, Kentucky, who was recently crowned Miss USA 2006.

The entire Bluegrass State celebrated on April 21, when Tara not only captured the Miss USA title but also became the first Kentuckian in the pageant's 54-year history to do so. Although she is only 20 years old, Tara showed remarkable composure during the week-long Miss USA competition, which culminated in the nationally televised pageant on NBC.

A 2004 graduate of Russell County High School, Tara was able to realize her dream of becoming Miss USA through the tried and true formula of hard work, determination and pure talent that has marked generations of accomplished Kentuckians. As the reigning Miss USA, Tara intends to use her celebrity platform to raise awareness about breast cancer. I have no doubt that she will perform her newfound responsibilities with the same mix of energy and enthusiasm that she used to capture the Miss USA title.

While millions of Americans now know her as a "beauty" queen, those that know Tara best see her for what she really is—a down-to-earth Kentucky girl who is dedicated to her family and friends.

Mr. Speaker, I want to congratulate Tara Connor on her honor as Miss USA 2006. Tara has made all of Kentucky proud, and I wish her the very best as she pursues her bright future.

HOMELAND SECURITY APPROPRIATIONS H.R. 5441

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. HOLT. Mr. Speaker, yesterday I supported the Fiscal Year 2007 Department of Homeland Security Appropriations Bill (H.R. 5441). The bill provided $33.1 billion for our Nation's homeland security. These funds will help our Federal, State and local first responders react to both natural disasters and terrorist events. Yet, funds appropriated in this bill represent only a 5 percent increase from the funds we appropriated last year and do not fully meet the homeland security needs of our country. Even though I supported the bill, I believe that we can and we should do more.

I am disappointed that Ranking Member OBEY's amendment to add $3.5 billion to the bill for transit security, border security, port security, first responders, and preparedness programs was rejected along party lines by the Homeland Security Appropriations Committee and was prohibited from being offered. These programs are essential to strong and robust hometown security. This indispensable funding would have been easily paid for by rolling back the tax savings that taxpayers with incomes over $1 million today received under the 2001 and 2003 tax cuts.

I am glad that this bill provides $19.6 billion for border security. This represents a 9 percent increase from current funding and shows that the House takes seriously the challenges we face in securing our Nation's borders. Yet it still falls short of the request made by President Bush.

This bill also includes $4.2 billion for port and cargo security, which is a 12 percent increase over last year. After the controversy over the D.P. World's attempt to acquire operating control of a number of U.S. ports earlier this year, Congress finally recognized the need to invest in container inspection and radiological detection. This bill also includes increased funding for grants to State and local governments to improve port security. But more needs to be done.

I was troubled that for the third year in a row DHS's rail and transit security grant program was flat funded at $150 million. This bill

already provided $200 million for port security and $4.7 billion for aviation security. That is why I joined my colleagues Mr. CASTLE and Mr. LYNCH in offering an amendment to increase funding for this essential grant program by $50 million. A clear majority of Congress agreed with us and voted to ensure that rail security received an increase in funding. I am glad to have led this effort to make a small but important step to ensuring that our nation's rail and transit providers have the resources they need to ensure the safety of millions of Americans daily.

I remain troubled that nothing has been done in this bill to significantly reform the Federal Emergency Management Agency (FEMA). I have long argued that FEMA should be removed from the Department of Homeland Security and be reestablished as an independent agency that reports directly to the President. Unfortunately, the House again has missed an opportunity to put FEMA on the road to reform. As we begin hurricane season, I cannot forget the destruction and deaths caused by Hurricanes Katrina and Rita. It is time to remove FEMA from the Department of Homeland Security, where it never belonged.

Despite the lessons learned in the aftermath of Hurricane Katrina, this bill also cuts funding for firefighter grants by 17 percent. It also provides $7 million less than last year for the office of Grants and Training, formerly known as the Office of Domestic Preparedness. Unbelievably, this bill cuts by 65 percent from a DHS program that helps Federal, State, local, and private organizations implement protection strategies and to provide training to State homeland security advisors.

Congress has a duty to provide the American people with the best security possible in the wake of a natural disaster or a terrorist attack. While this bill does not fully provide the funding our Federal, State and local homeland security officials have said they need, it does begin to meet their needs. I will continue to work with my colleague in Congress to ensure that we increase our Nation's investment in our homeland security.

COMMENDING THE LAWRENCE-EAGLE TRIBUNE FOR ITS SERIES ON GAMBLING

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. MEEHAN. Mr. Speaker, recently a paper in my district ran a series of columns on the problem of gambling addiction, and its effect on society, and individual families. I commend the Lawrence Eagle Tribune, its editor-in-chief, William Ketter, and the series' author, Denise Jewell, for their hard work and attention to this serious issue.

One piece in the series focused on the federal role in help for gambling addiction—and in some cases, where there is no federal role. Gambling addiction can be as destructive as addiction to alcohol or drugs, and destroys countless families every year.

Mr. Speaker, I ask unanimous consent to include these articles in the CONGRESSIONAL RECORD, and once again, offer my gratitude to the staff of the Eagle Tribune for their fine work.

[From the Lawrence Eagle Tribune, June 4, 2006]

GAMBLING SERIES SHOWS VALUE OF PUBLIC SERVICE JOURNALISM

(By William B. Ketter)

The gravitational pull of state-sponsored gambling to stave off traditional tax increases, pay for public services and drive economic development has created a split-screen social condition in America: a lucky few people and the hapless many.

Sadly, that is the message that underlies much of the economic as well as cultural conclusions of our three-part Sunday Forum series on the causes, costs and consequences associated with the rapid spread of legal gambling across the country.

The state-by-state study—which concludes with today's installment—was conducted by the Community Newspaper Holdings Inc. News Service, the editorial arm of our parent corporation, under this editor's oversight. It was ambitious, public service journalism that encountered numerous obstacles, including uncooperative casino operators, tribal leaders and state officials.

It was a measure of reporter Denise Jewell's persistence that she got around the roadblocks and produced the first national statistical picture of the canyon between sums gambled and money spent on the prevention and treatment of problem gambling.

Nobody in state or tribal government or the gaming industry wants to say or do anything that might derail the full steam ahead gambling locomotive and the billions of dollars it generates from casinos, racinos, video poker terminals, lotteries and other sanctioned games of chance.

That's an understandable, though myopic, attitude when you consider the primary benefactors are the states that authorize, promote and regulate gambling; and the gaming companies that manage the Indian and commercial casinos. In their universe, frequent gamblers are not only prized, they are essential to success.

''It is like putting Dracula in charge of the blood bank,'' remarked State Sen. Susan Tucker, D–Andover in the first part of our series. Only the blood is dollars, Tucker points out, ''and for the states to get their few hundred million their constituents have to lose a few billion.''

A lot of those losses come from problem gamblers, many of whom are already poor and desperately in need of professional help to overcome their addiction. Yet their plight goes unlamented under the logic that gambling is a voluntary act.

Who should care? The federal and state governments. They hold responsibility for the general welfare, and compulsive gambling is a national public health issue—for the same reason drinking, smoking, and drug abuse are treated as public health matters. It is destructive, anti-social behavior. The difference is the latter receive billions for research, prevention and treatment and problem gambling gets a pittance.

In fact, Dr. Howard Shaffer of Andover, director of Harvard University's Addiction Center, identified pathological gambling as a public health problem 4 years ago in a national study, and still nothing has been done to expand federal programs to deal with it. He compares it to government inaction during the early stages of the AIDS crisis.

Ignoring the people who impulsively gamble beyond their means—causing serious financial, criminal, family and psychiatric problems—is a counterproductive approach that social experts predict will cost more over time than the money the states reap from gambling.

To grasp the wide disparity between taxes and treatment you need to reflect on the numbers.

States now receive $21 billion in taxes from the $136 billion spent annually on legal gambling in the United States. In turn, they spend only $36 million on programs to assist problem gamblers. That's less than one-fifth of 1 percent of the profit.

Yes, gambling taxes help finance schools, teachers, fire engines, roads, parks and other core public services. And the infusion of revenue has allowed many states to avoid raising income, sales and property taxes. Even lower them, in some instances.

There are, however, related consequences. Evidence in our series showed problem gamblers commit forgery, credit card fraud and embezzlement at a higher rate than the general population. They also exceed the norm on bankruptcy, homelessness, divorce, substance and spousal abuse, and suicide.

No government or private agency has done a current analysis of the actual social cost of legal gambling. But the now-defunct National Gambling Impact Study Commission pegged the annual toll at $5 billion 7 years ago. It estimated the cost to society of each addict at $13,200 per year.

''There are undeniably many millions of problem and pathological gamblers causing severe harm to themselves, their families and many others,'' concluded the commission after a two-year study. Greater public understanding of this, it added, ''is crucial to the health and stability of these families, their communities and many businesses.''

The outlook is even darker today. More states have come to rely on gambling revenue to balance their budgets. Those without slot machines at race tracks, including Massachusetts, are talking seriously about adding them. And states without commercial or Indian casinos are seen as fertile possibilities for both.

Congress and state legislatures need to slow down the locomotive, and require that the casinos and the states appropriate serious dollars to research, prevention and treatment of problem gambling. They should also review how they're spending current public health dollars on compulsive behaviors, and appropriate some of that money to addictive gambling. It is growing faster than other social dysfunctions.

There's another thing federal lawmakers can do to do help. The Americans With Disabilities Act should be amended to add compulsive gambling to the list of mental disorders covered by the law. Because it is excluded, addictive gamblers can be denied insurance payments for medical expenses and short-changed on other benefits available to alcohol and drug abusers.

Gambling taxes and money spent to deter compulsive wagering are going in opposite directions on the economic chart. There is little chance the two curves will ever cross, given the acceptance of gambling as an all-American pastime. But the CNHI News Service ''Hooked on Gambling'' series made a powerful case for narrowing the gap, and bringing the multiplying victims side of this split social screen into sharper focus.

By so doing, it served the purpose of public service journalism—something we need more of in this era of flash news reports that often lack context and meaning.

[From the Lawrence Eagle Tribune, May 21, 2006]

LEGAL GAMBLING BEGETS MILLIONS OF NEGLECTED ADDICTS

(By Denise Jewell)

Twenty-year-old Bryant Northern had the world at his fingertips as a walk-on guard who won a coveted scholarship at basketball powerhouse University of Louisville. He dreamed of deadeye jump shots, March Madness, even a pro career.

But the 6-foot-tall Northern also had a hidden problem: an addiction to gambling. Caesars Indiana, the riverboat casino across the Ohio from Louisville, had been his secret hangout since high school—and also his scourge. A run of lousy luck found him short of money and in trouble with the police.

Now 23, Northern was sentenced March 6 to five years probation for trying to cash stolen checks in Kentucky to pay for his gambling habit. He still faces burglary charges in Indiana, and a possible jail term.

Northern's plight is not uncommon today in a nation where legal gambling has spread like wildfire—from three states 25 years ago to every state in the union, save Utah and Hawaii.

The promise of easy, new gambling money to build schools, pay teachers, pave roads and finance other public services has triggered an explosion of casinos, racinos (race tracks with slot machines) and lottery games. Gambling has become one of the biggest, and most politically powerful, special interests in the country.

It is no secret that America is hooked on gambling, with its payoff of more than $20.5 billion a year to state governments. What's been overlooked is the unintended human cost: the large and growing class of people addicted to gambling and whose lives often end up in ruin.

They are called pathological bettors, and critics of gambling say they get little attention because government and the gambling industry depend on habitual players to drive revenue.

''I don't think it is conspiratorial in nature,'' said state Sen. Susan C. Tucker, D-Andover, who opposes the plan for racinos in Massachusetts. ''It's more that most government leaders understand the truth and simply close their eyes and look away. As for the gambling industry, it is in its self-interest to keep up the gambling.''

An in-depth study by Community Newspaper Holdings Inc. News Service into the cost, causes and consequences of problem gambling and what's being done about it determined that:

Legal gambling in the United States is a $135.9 billion-per-year business, based on revenue figures provided by the states that allow it. That's close to triple the combined revenues of $50 billion annually from box office movies, recorded music, spectator sports, and live entertainment. And it does not include popular online betting, which is still in legal limbo.

About 70 percent of gambling profits come from 30 percent of the people who gamble, according to research by professor Earl Grinols, an economist at Baylor University. Frequency, Grinols found, is a crucial characteristic of profit.

Poor people are disproportionately addicted to gambling, a study by the National Institute of Mental Health concluded. They are pulled by the lure to get rich quick but they are also the people who can least afford to lose money.

Gambling addiction has swelled the homeless rolls in America. One in five street people says he or she ended up homeless because of money problems tied to compulsive gambling, homeless-shelter officials say.

The federal government, which spends liberally on public-health studies and treatment programs for alcohol and drug addiction, has a passive approach toward problem gambling. Federal officials say it is the responsibility of the states even though addicts move freely between states and add to the cost of federal health-care programs.

Compulsive gambling is not one of the several mental diseases defined in the Americans With Disabilities Act and thus treatment for addiction does not qualify for health-insurance coverage. Alcoholism and drug abuse are covered.

Social costs of problem gambling across the nation are estimated at a minimum of $5 billion per year, according to a federal study commission. The annual cost to society of each pathological gambler is pegged at $13,200.

A pittance, or $35.5 million per year, of the gambling revenue is spent by government and the industry to educate people about the trapdoors of gambling and treat addicted gamblers. Residential rehabilitation centers for gambling addicts are rare.

No government study has documented the precise prevalence of the addiction problem in the United States. Academic studies project the figure at anywhere from 2 percent to 5 percent of adults exposed to gambling, and even higher for adolescents and teenagers.

By almost any measure, however, the numbers are in the millions and have been multiplying with the furious spread of legalized gambling from state to state since the 1980s.

Dr. Howard Shaffer of Andover, the director of Harvard Medical School's Division on Addictions, said three primary forces stimulated the growth of gambling: desire by the states to identify new sources of revenue; development of new entertainment and leisure destinations; and new technologies and forms of gambling such as electronic slot machines, video poker and multistate lotteries with large jackpots.

The most recent study of the psycho-economics of gambling showed that between 1975 and 1999, adult gambling increased from 67 percent to 85 percent, according to Shaffer. Higher numbers were recorded in almost every demographic group, including women.

''It's everywhere, and it's only going to get worse,'' said Jim Chesser, a 55-year-old former Kentucky bus driver who said he's overcome his addiction and now helps others recover through Gamblers Anonymous. ''That's because of the politicians. All they see is generating dollars from gambling dollars. They don't care who it hurts.''

Casino companies, lottery commissions and public officials say they do care, and point to warnings and hot lines on the back of lottery tickets, TV ads that urge ''responsible gaming,'' and Web pages that feature addiction tests and educational information to help gamblers detect problems and deal with them.

''We've done what the experts have told us to do, what seems to work for alcohol and tobacco and other addictive issues,'' said Judy Patterson, executive director of the American Gaming Association, the industry's lobbying arm. ''But we haven't had any certainty that what we do as an industry has really met any kind of scientific test as to whether it works or not.''

Advocates for problem gamblers contend even well-intentioned efforts to prevent and treat addiction suffer from lack of money and the will of state governments to do anything about it. They also criticize the cozy relationship between politicians and the gambling industry, and the millions appropriated for advertising state-sanctioned gambling.

''State government is the promoter, the regulator and the beneficiary all in one,'' said Tucker, the Andover lawmaker. ''It's like putting Dracula in charge of the blood bank.''

Congressman Frank Wolf, R-Va., also a foe of gambling, said that ''20 years ago, no politician at any level wanted to be seen with the gambling-industry people. Now, we go out and hold fundraisers with them.'' Or, in some instances, accept largess from them, as witnessed by the admissions of Jack Abramoff, the disgraced gambling lobbyist.

Still, Tucker said, the problem of gambling addiction goes largely unnoticed and untreated.

Statistics bear her out. While 48 states have some form of legalized gambling, only 26 of them appropriate money for treatment, the CNHI News Service survey showed. And those that do commit funds spend only a tiny fraction of the revenue they get from gamblers on programs to help them. Yet most states spend millions on slick advertising and promotion campaigns to entice people to gamble.

A national gambling study financed by Congress in the late 1990s estimated that states spend about one-tenth of 1 percent of their gambling revenues on treatment and education programs for addicts.

Tucker said this is ''both inadequate and wrongheaded'' because the people who can't afford treatment are the same people contributing heavily to gambling revenues. That's why, she said, paying for government with gambling dollars is bad economics and bad public policy.

''For the states to get their few hundred million, their constituents have to lose a few billion,'' Tucker said. ''It comes right from their pockets. This isn't magic money that falls from the sky.''

Casinos and racinos are the fastest-growing segment of the gambling industry. And small wonder. They boast row after row of slot machines, which Tucker calls the ''crack cocaine'' of gambling. There are more than 700,000 slot machines in the United States, state regulators report.

State lotteries offer their own opiate. It is called scratch tickets, and Massachusetts, with a variety of such games, is the national leader. It generates $4.5 billion a year in lottery sales, with 70 percent of the total from scratch tickets. Another 15 percent comes from keno, the fast-play numbers game. Only 15 percent comes from delayed reward games such as Megabucks.

But state lotteries, which got their modern-day start in New Hampshire in 1963 and now raise money in 40 states, were only a Trojan horse for casinos. Today there are 445 commercial casinos in 11 states, and 405 Indian casinos in 28 states on land owned by America Indian tribes.

Massachusetts and New Hampshire are still casino-free states. But the Mashpee Wampanoags on Cape Cod have won preliminary federal approval as a recognized Indian tribe and could eventually force Massachusetts to negotiate a compact for casino gambling on a site acquired by the tribe.

In anticipation of that development, City Councilor George Rotondo of Revere has urged that city to pave the way with zoning regulations that allow construction of a casino resort complex, possibly at Suffolk Downs or Wonderland race track. He contends it would create hundreds of local jobs and boost Revere's economy.

So far, Rotondo's proposal has fallen on deaf ears. But casinos have helped revive some economically depressed communities around the country, providing jobs and contributing to local property taxes.

How did legal gambling as an economic engine get its impetus in America? Congressional approval of the Indian Gaming Regulatory Act in 1988 set off the gold rush. The law was born of the U.S. Supreme Court decision forcing California to negotiate with American Indian tribes to establish casinos on tribal lands.

As Indian casinos proliferated, a handful of states joined Nevada and New Jersey in allowing commercial casinos. The payoff came from high license fees and contracts that included a handsome bite of the revenue pie. That caused other states too timid for full-fledged casinos to expand their lottery

games, add video poker parlors and install slot machines at racetracks.

It didn't take long for gambling to move up the nation's business leader board.

Casinos thrive on customer knowledge. They maintain a database of gamblers through credit-card systems like ''Wampum cards'' at Foxwoods Casino in Connecticut. Players earn points for money gambled on slot machines and other games. They can also earn free meals, show tickets, iPods and high-definition televisions. The idea is to keep gamblers happy and active.

But Joe Barrett, a vice president at Caesars Indiana, said casinos also monitor their database to ensure that patrons don't get carried away.

''We look at gaming as a form of recreation and a place for people to have fun,'' said Barrett. ''We understand the responsible gaming part of it, and we take it very seriously, and we always have.''

Yet Caesars Indiana was recently fined $38,500 by the Indiana Gaming Commission for sending marketing materials to nine addicts who had asked to be banned from gambling. The casino was fined $80,000 last year for similar violations. And other casinos in other states have also been fined for targeting gamblers who have admitted the problem and want to quit.

''There will be, I'm sure, in any system, those occasional slip-ups, because it's humans putting the information in,'' said Judy Hess, a Caesars Indiana spokeswoman. ''But we try very, very, very hard to have it just absolutely 100 percent correct. There's no upside to marketing to people who shouldn't be gaming.''

That's not the way Wolf, Tucker and other critics of gambling see it. They claim the industry thrives on seducing gamblers of all means to return again and again.

Tucker said gambling companies are masterful at using public relations to show concern for compulsive gambling while masking its devastating social impact.

She said it is also a clever way to avoid the type of grief the tobacco industry faced from public-health regulators in the 1980s and 1990s. They accused cigarette companies of not caring about the medical implications of smoking, triggering endless lawsuits by individuals and the states.

''The gambling industry has shrewdly learned from the experiences of the tobacco industry,'' Tucker said. ''It was the public-health community that drove the anti-smoking movement. The gambling interests want to head off a similar experience.''

What's more, Tucker added, they are succeeding.

''Their PR is brilliant,'' said Tucker. ''That was clear when they got people to talk about gaming instead of gambling. They have changed the nomenclature.''

[From the Lawrence Eagle Tribune, May 28, 2006]

GAMBLING COMMISSION DEALT DEAD MAN'S HAND

(By Denise Jewell)

A federal commission's study of legal gambling in the late 1990s produced several significant recommendations, but they ended up like poker's dead man's hand.

Dead man's hand is a term to describe the cards Wild Bill Hickock held—a pair of black aces and eights—when he was shot dead in a saloon in South Dakota in 1876.

The commission spent two years and $5 million investigating the social and economic implications of lotteries, casinos and other gaming activities only to have its suggestion for a temporary freeze on further expansion of gambling shot down.

President Clinton urged creation of the National Gambling Impact Study Commission, and Congress passed a law establishing the body. The mix of nine members included the chairman and chief executive officer of MGM Grand Inc. and the founder of Focus on Family.

The law required the commission to study the effects of problem gambling on individuals, families, businesses and social institutions, and to assess the state and local economic value of gambling facilities such as casinos, race tracks and video poker parlors.

In addition to a moratorium, the commission came up with dozens of other recommendations, including curtailing the growth of new lottery games, reducing lottery advertising and limiting lottery outlets in low-income neighborhoods.

The group's final report, released in June 1999, expressed concern that the rush to raise government revenue through gambling was creating a generation of young people who give little thought to gambling's down side.

''The commission recommends that all legal gambling should be restricted to those who are at least 21 years of age and that those who are under 21 should not be allowed to loiter in areas where gambling activity occurs,'' the report said.

Commissioners traveled throughout the country and held hearings that detailed dozens of hardship stories.

In Illinois, for instance, they heard about a Joliet couple who committed suicide after the wife accumulated $200,000 in casino debt. In other places, they listened to testimony about embezzlement and other white collar crime to finance gambling habits.

But they also found some economically depressed locations were revived by the construction dollars and jobs associated with casinos, and that public services like roads and schools were improved from fees and taxes on gambling revenues.

''In Tunica, Miss., the advent of legalized gambling provided jobs for an area of extreme poverty,'' the commission found. ''Many citizens of Tunica have undoubtedly benefited by the increase in the wage base and increased ability of its citizens to purchase homes and other amenities.''

In addition to hearings, the commission's staff of researchers telephoned 2,417 adults and 534 adolescents across America and interviewed 530 people in gaming facilities.

The National Opinion Research Center at the University of Chicago, hired by the commission to conduct the survey, estimated that 15 percent of total gambling revenue in the United States stems from problem or pathological gamblers.

More research on pathological gambling was recommended, but the commission also made it clear the states need to do more to help people addicted to games of chance.

''A major responsibility for addressing the problem of pathological gambling must be borne by the states that sponsor gambling,'' the commission concluded.

Furthermore, it said, ''industry funds earmarked for treatment for pathological gambling are miniscule compared to that industry's total revenue.''

[From the Lawrence Eagle Tribune, June 4, 2006]

FEW TREATMENT DOLLARS FOR GAMBLERS WHO NEED HELP

(By Denise Jewell)

Kathy Bassett, 49, a registered nurse from Topeka, Kan., didn't blink when Harrah's opened a casino 15 miles from her front door. She had zero interest in gambling. Nor did she worry about its social consequences.

That was before 2003, a nightmarish year that Bassett said opened her eyes wide to the problems associated with addictive gambling. In sequential order:

Her son, a casino pit boss, was arrested and sent to prison for stealing to support his gambling habit.

Her mother, retired and in her 70s, filed for bankruptcy after losing her life savings to the slot machines.

Her 37-year-old brother, David, in despair and shame over his inability to quit gambling, put a shotgun barrel to his mouth, pulled the trigger and ended his life.

This trilogy of shocks scared Bassett into researching the impact of compulsive gambling on ordinary families such as hers. She soon discovered plenty of others undergoing similar grief. Now, she's an anti-gambling crusader determined to expand and improve prevention and treatment programs.

''I just got so angry,'' Bassett said. ''This in an industry worth hundreds and hundreds of millions of dollars and . . . it means nothing to them'' when people's lives are shattered.

Bassett said her research showed that help for problem gamblers in the United States is sporadic, inconsistent and badly underfunded. Especially when compared with tobacco, alcohol and drugs—addictions that states spend $2.5 billion a year to treat, according to the National Center on Addiction and Substance Abuse at Columbia University.

The evidence supports Bassett's analysis, a nationwide review of the issue by Community Newspaper Holdings Inc. News Service showed.

Not one federal dollar has been spent directly for treatment or prevention of problem gambling even though a Harvard University addiction expert, Professor Howard Shaffer of Andover, framed it as a national public health issue for the first time in a 2002 study.

''Excessive gambling, drinking, drugging are different expressions of a common underlying disorder,'' said Shaffer of his study. ''But pathological gambling is being viewed (by the government) like some rare disease—much like AIDS was in its early stages. It doesn't get the attention it should as a public health issue.''

Few federal dollars have been allocated for medical and other research that might help detect the problem before it gets out of hand, or provide guideposts for prevention. Congress did pay for a $5 million, two-year study of the social and economic implications of gambling in the late 1990s, but little came of the short-lived effort.

American Indian tribes that own 405 casinos on sovereign tribal lands and the 48 states with some form of legal gambling are similarly stingy with spending on programs that could diminish the volume of high rollers.

Twenty-two states offer no programs at all, CNHI News Service found. And the 26 states that provide treatment don't put a lot of money into it, operate in isolation from others despite the wideranging mobility of problem gamblers and appear to accept the claim that sufficient community programs exist to help the truly addicted.

Across the country, the CNHI New Service survey found, state governments spend only $35.5 million per year on helping problem gamblers even though the states rake in $20.9 billion in gambling taxes annually.

The gambling industry does no better. It spends a small fraction of its billions in profits on research, prevention and treatment. And no where close to the many millions it shovels out to influence lawmakers through lobbying, and gamblers through TV, Internet, direct mail and billboard advertising.

The industry has established the National Center on Responsible Gaming, a small nonprofit in Washington, D.C., that says it is ''committed to funding research that some

day will identify the risk factors for gambling disorders and determine methods for not only treating the disorder but preventing it, much like physicians can identify patients at risk from cardiovascular disease long before a heart attack.''

But the center operates on a shoestring compared with the huge outlays spent by government, private agencies, foundations and others on heart disease research. Its proudest achievement: a $2.4 million startup grant and $1.1 million annual appropriation to Harvard's Medical School to fund the Institute for Research on Pathological Gambling and Related Disorders.

Integrity in Science Project, a group that monitors scientific research for conflicts of interest, has indicated concern over Harvard accepting research money from an industry that benefits from the very problem under study. The unstated worry is research skewed to reflect a desired outcome—specifically, that addiction has been overstated by critics of legal gambling.

Christine Reilly, executive director of the Harvard institute, rejects any notion the gambling industry could manipulate the research. She said it funds the institute but has no say in how the research is conducted or the results—which, she added, are subject to rigorous peer review by scientific journals.

Two unaffiliated nonprofits are making independent efforts to help problem and compulsive gamblers, although both suffer from lack of resources. They are Gamblers Anonymous, which has more than 1,400 chapters in the United States, and the National Council on Problem Gambling, which has 34 state affiliates.

Gamblers Anonymous is modeled after the 12-step program of Alcoholics Anonymous. A state-by-state directory of local meetings is posted on its Web site (gamblersanonymous.org/mtgdirTOP.html). Financial support comes from private contributions.

The Council on Problem Gambling is an advocacy group that increases public awareness and encourages treatment programs for troubled gamblers and their families. Funds for the group's $500,000-a-year budget come from private and foundation contributions and at least two casino companies. It operates a national hotline (1–800–522–4700) for problem gamblers, and more than 200,000 problem gamblers call it over the course of a year.

Keith S. Whyte is the council's executive director and once worked for the American Gaming Association, the industry's lobbying arm. He said the council is neutral on the debate over legalized gambling, focusing its efforts on helping addicts overcome their problem.

Whyte said the federal government has been unhelpful in the effort to get mental health care for problem gamblers. For example, he said, the Americans With Disabilities Act doesn't classify compulsive gambling as a mental disorder and thus insurance companies can refuse to pay for treatment programs.

''Addictive gambling is a rare and stigmatized sort of behavioral health disorder because there's no physical or outward signs,'' Whyte said. ''It has slipped through the legislative cracks.''

Congress, he added, could easily fix the issue by expanding the definition of the disabilities law to include compulsive gambling as a public health problem, along with alcohol and drug abuse.

Medical researchers say compulsive gambling is not as visible as alcoholism and drug overdosing, but it can be equally devastating to social behavior. They also say some of the brain receptors in gambling addicts appear to be different.

Magnetic Resonance Imaging studies have found abnormal signs of attention deficit disorder in pathological gamblers. Neurobiology research has indicated their brain chemistry is not the same as that in problem alcohol and drug users. This has led to experiments with the drugs Nalmefene and Revia to try to curb gambling cravings.

''If you look at the MRI of a gambler, his brain looks different,'' said Whyte, who tracks the research. ''But it is very hard to get that across to the admitting nurse that's going to say, 'Why don't you just stop gambling? Why don't you go home? You shouldn't have been gambling in the first place.' ''

But self-discipline is not a characteristic of compulsive gamblers. Few of them put their names on ''exclusion lists'' required to be kept by casinos for problem gamblers who want to quit on their own. Gamblers who sign up are banned from receiving credit or gambling. Casinos can also add problem gamblers to the list and arrest violators for trespass.

There are other ways the industry says it tries to discourage gambling by people who shouldn't do it or can't afford it. They include posted warnings in casinos, race tracks and video poker parlors about overdoing it, cautionary wording on the back of lottery tickets, public service announcements about the consequences of addictive gambling and Web sites that test for symptoms of compulsive behavior.

Ken Davie, a vice president at Foxwoods Casino in Connecticut, said the Mashantucket Pequot Tribal Nation donates $200,000 a year to that state's council on problem gambling and also distributes warning pamphlets. But he said it is hard to detect problem gamblers in a state that features 7,000 slot machines at Foxwoods and another 6,000 at nearby Mohegan Sun Casino.

''You have 13,000 opportunities to be hidden,'' Davie said. ''Some of these machines are sitting in the comer. You can be hidden away. You could come in and feed $100 bills all day and we wouldn't know you're gambling away your life fortune.''

The American Psychiatric Association describes impulse playing of slots and other instant response games as ''persistent and recurrent maladaptive gambling behavior'' personified by symptoms such as obsession with risk, lack of self-control and lying.

''Pathological gambling is a condition where the person's out of control,'' said Jon Welte, a researcher at the University at Buffalo's Research Institute on Addictions. ''They can't stop gambling and they can't moderate the amount they do. Gambling has kind of taken over their life.''

Welte said researchers are struggling to understand why some people develop problems gambling while others can do it recreationally for years without becoming addicted.

''We're 20 or 30 years behind the research that's been done on alcohol and drugs,'' he said. ''There's been a lot of (gambling) research done about prevalence. We need more research that gets closer at examining the causes.''

A local judge in the western New York town of Amherst isn't into medical research, but he presides over the nation's first and only ''gambling court'' to treat the addiction problem when it is related to crime. Sentences can include psychiatric evaluation and counseling.

Judge Mark G. Farrell created the court five years ago after several unlikely defendants in a string of theft and embezzlement cases admitted they were addicted to gambling at casinos a half-hour away in Canada. Since then, two American Indian casinos have opened nearby in the United States.

Farrell said the public perception that reckless gambling is a ''character flaw'' rather than a disease or addiction has contributed to the slow development of programs to treat problem gamblers.

''They are more likely to admit they're a heroin addict than they would be to admit they're a compulsive gambler,'' he said. ''And yet they've gone through their own money, their family's money, their kids'' money. There could be a divorce action going on. They've had DWls. A whole range of things.''

Some states earmark gambling revenue for treatment services, but even they have not kept pace with the rapid expansion of gambling within their borders and nearby states.

Nevada, where gambling has been legal since 1931, did not set aside money for treatment until last year. New Hampshire, birthplace of the modern lottery, still spends nothing. And Massachusetts spends only $655,000 of its $742 million annual gambling take on prevention and treatment.

Furthermore, there are only two residential treatment centers specifically for problem gamblers, places where addicts can go for several days or weeks to overcome their compulsion. One is in Baltimore and the other in Louisiana.

Tim Christensen, treatment administrator for the Arizona Office of Problem Gambling, said the gambling industry and the states that rely on it will be forced to change as public awareness grows.

''Look at the tobacco issues that our country has gone through,'' said Christensen. ''You went from a vast majority of people that smoked to a vast minority. That happened over time and with tons of resources put into it.''

For advocates like Bassett, the nurse from Topeka who lost her brother to suicide, the time of enlightenment can't come soon enough. Prevention, she said, is also more complex than hotlines, self-exclusion lists, warning pamphlets.

She said her brother, a social worker who once manned a crisis hotline, had sought help from a private counselor and had even banned himself from the casino near his home. But the day before he died, she said, he drove right past it to another and proceeded to spend most of the day losing money he was holding for his mother.

''There are no clocks. There are no windows,'' said Bassett. ''It's an unreal existence in there. It's not like playing with real money. It gives you the delusion of not really losing.''

[From the Lawrence Eagle Tribune, June 4, 2006]

PROBING THE MIND TO UNLOCK GAMBLING ADDICTION

(By Denise Jewell)

Piecing together the information doctors know about the biology of pathological gambling is like solving a difficult jigsaw puzzle for researchers like Dr. Jon Grant. ''This is not simply an issue with people with poor or weak moral character as some myths portray it,'' Grant said. ''This is an addiction. It is complex.''

Grant is a medical doctor and a psychiatrist at the University of Minnesota who specializes in studying compulsive gambling. For eight years, he has been searching for a medical solution to curb cravings associated with problem gambling. He and his research team have done brain scans and other tests that indicate chemicals and receptors react differently when compulsive gamblers are calm and when they're revved up to bet.

The most recent results of that work—published in February's edition of the American Journal of Psychiatry—advances evidence

that pathological gamblers are physically different from other types of gamblers. Compulsive gamblers who took the experimental drug Nalmefene, for instance, were less impulsive than those given a placebo. ''For the last 10 years, there have been rumblings that it's a biological problem,'' Grant said. ''This gives a lot more support to that theory.''

While researchers have only recently started to record results for drugs that help overcome the urge to gamble, doctors have been working on the neurobiology aspects of gambling for more than two decades. The late Dr. Robert L. Custer, a pioneer in compulsive gambling research, convinced the American Psychiatric Association in 1980 to classify the impulses of addicts as a disease much like Tourette's syndrome and pyromania. Custer categorized gamblers as professional, antisocial, casual, serious, escape and compulsive. Professional gamblers, he said, were not compulsive even though they took risks and gambled frequently. He said they used gambling as a job, showing clearheaded money skills, reasoned strategies and the ability to walk away without losing their bankroll. Custer characterized antisocial gamblers as withdrawn but not compulsive, casual gamblers as infrequent players, serious gamblers as those who use counting or tracking techniques to beat the odds at card tables, and escape gamblers as those who occasionally get away from reality through gambling.

Grant said gambling addiction could become a ''huge social problem'' as legal gambling grows in popularity through such things as televised poker tournaments and the greater availability of instant impulse games like slot machines. ''We're seeing different demographics—people from all walks of life—involved,'' he said. ''It suggests that this is going to be a bigger and bigger problem as time goes on.'' At the University at Buffalo's Research Institute on Addictions, John Welte has been working to quantify the scope of the problem through research that involved interviewing 2,631 people. He said the survey showed that compulsive gambling and the related social costs can be traced in concentric circles around a gambling facility. The closer in you get, the more severe the issue, he said. And, he added, people living in poorer neighborhoods reported higher rates of problem gambling.

IN RECOGNITION OF THE CITY OF HOPE'S TRI-STATE LABOR AND MANAGEMENT COUNCIL HONORING MR. JOSEPH SELLERS WITH ITS SPIRIT OF LIFE AWARD

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to highlight the accomplishments of Mr. Joseph Sellers. Joe Sellers is the President and Business Manager for Local Union 19 of the Sheet Metal Workers in the Philadelphia area, Central Pennsylvania, Southern New Jersey, and Delaware.

This week, The City of Hope's Tri-State Labor and Management Council will honor Mr. Sellers with its Spirit of Life Award.

City of Hope National Medical Center is one of the world's leading research and treatment centers for cancer, diabetes, HIV/AIDS, and bone marrow transplantation. City of Hope's Tri-state Labor and Management Council Award has for many years increased public awareness and support for its research efforts. The Council's efforts are vital to City of Hope's battle against killer diseases. Additionally, the Labor and Management Council provides opportunities to union and management leaders to work together for a common cause—to assist the City of Hope in its vital research and patient care, no matter how long the hospital stay or complex the therapy.

Mr. Sellers began as an apprentice in 1980. Since then Mr. Sellers has made great contributions to his union and his community. Mr. Sellers has served as a union Executive Board Member, Training Coordinator, and Business Agent.

Mr. Sellers has held numerous positions within his union's International Association and currently holds executive positions with the Pennsylvania State Council of Sheet Metal Workers' International Association, New Jersey State Council of Sheet Metal Workers, Mechanical Trades District Council of Delaware Valley, Metropolitan Association of Presidents and Business Representatives, and the National Energy Management Institute.

If these positions were not enough, Mr. Sellers is the Vice-President of the Philadelphia Building and Construction Trades Council and the Philadelphia AFL-CIO. He is the Secretary-Treasurer of the Mechanical and Allied Crafts Council of New Jersey.

Additionally, Mr. Sellers is an Executive Board Member of the Pennsylvania Building and Construction Trades Council and the Pennsylvania AFL-CIO and a Member of the Pennsylvania State Apprentice and Training Council.

In addition to his commitment to supporting working men and women throughout the Delaware Valley, Mr. Sellers is active in civic, charitable, and government affairs. In the aftermath of Hurricane Katrina, he gathered monetary donations as well as clothing and food for the storm ravaged communities along the Gulf Coast. Recognizing the Gulf Coast's need for strong backs, hard workers, raw manpower, he dispatched union workers to aid in hurricane recovery.

In his local community, Mr. Sellers has spent countless hours working with the Piney Grove Baptist Church and Community Center and The Potter House Mission. For these honors Mr. Sellers selected as Labor Leader of the Year 2004 for the Boy Scouts of America, and the 2004 Labor Leader award from the American Veterans Association.

Mr. Speaker, it is an honor for me to draw this Chamber's attention to the accomplishments of Mr. Sellers. He has made a great contribution to his community. Our nation would be greatly improved if we all made a fraction of the contribution as Mr. Sellers.

RECOGNIZING BRIAN GEORGE KNOP FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brian George Knop, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many Scout activities. Over the many years Brian has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Brian has served in the leadership positions of Chaplains Aide and Quartermaster, among others. He is a Brotherhood member of Order of the Arrow and a Warrior in the Tribe of Mic-O-Say. For his Eagle Scout project, Brian planned and supervised the landscaping of the front side of the Liberty United Methodist Church in Liberty, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Brian George Knop for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF HUGH C. REYNOLDS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of Hugh C. Reynolds of Fordyce, Arkansas. Strong leadership, vision, concern for others, and philanthropy were enduring legacies left by H.C. Reynolds. He passed away on Saturday, May 6, 2006 at the age of 85, after having served his nation, state, and the city of Fordyce with distinction. I would like to recognize Mr. Reynolds' contributions to Arkansas and our Nation.

H.C. Reynolds was born August 5, 1920 to the late Hugh Cleveland and Ruth Sisson Reynolds in Fordyce. He was a dedicated member of Fordyce First Baptist Church and a Shriner.

Mr. Reynolds will forever be remembered for his bravery, leadership, and compassion. He served his nation as an Army Veteran of World War II and was a lifelong member of the Democratic Party. He also recently resigned as Chairman of the Dallas County Democratic Committee.

He was preceded in death by his wife, Frances Keenum Reynolds and a brother, William Reynolds. My deepest condolences go out to his sister, Mary Ruth Creech of Camden; his son, Collins Reynolds and wife Janie of Bismark; his daughters, Linda Hankins and husband Troy of Pine Bluff, Vickie Gray and husband Paul of Hot Springs; his five grandchildren, and six great-grandchildren. Mr. Reynolds' legacy and spirit will live on in those who lives he touches.

INDIAN COUNTRY EDUCATIONAL EMPOWERMENT ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. HERSETH. Mr. Speaker, I am introducing the Indian Country Educational Empowerment Act. This Act will facilitate economic growth and development in Indian

Country by dramatically increasing the incentives for individuals with advanced degrees to work within and for Indian Country.

I am deeply concerned by the fact that Native Americans continue to rank at the bottom of every indicator of social and economic well-being in America. Unemployment continues to average near 50 percent in Indian Country and hovers well over 90 percent on many Reservations. Indian Country continues to have some of the highest rates of poverty, poorest health, highest mortality rates, and lowest levels of educational achievement in the United States.

A unique legal and political relationship exists between the United States and Indian tribes that is reflected in the Constitution, various treaties, Federal statutes, Supreme Court decisions, and executive agreements. This creates a responsibility for the federal government to facilitate and complement tribal governments' efforts to improve the quality of life for Native Americans and encourage economic development in Indian Country. This bill does just that.

Numerous external efforts at economic development in Indian Country have proven unsuccessful. The most successful efforts have been initiated from within native communities themselves. Economic development efforts that empower native communities and give them the tools to make their own decisions should be encouraged and pursued.

I believe that education and economic development go hand-in-hand in Indian Country. Indeed, higher education is a fundamental form of economic development. Yet, an uneducated workforce continues to be a cyclical obstacle to economic growth in Indian Country.

The cycle is vicious. Businesses are often unwilling to locate into Indian Country because of the lack of an educated workforce and Native American youth see little value in an advanced degree because there are no jobs on the Reservation that would reward one. Those native youth that do obtain a higher education often do not return to their communities because there are no jobs.

Higher education is costly to attain. As college and graduate school costs continue to swell, students are increasingly shouldering high levels of debt to pay for a college education. In fact, thirty-nine percent of student borrowers now graduate with levels of debt that require monthly payments in excess of eight percent of their total monthly incomes.

Loan repayment assistance for higher education graduates choosing to work in Indian Country will help break this cycle of poverty and promote economic development. I urge my colleagues to support this important legislation.

RECOGNIZING REN DICKSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ren Dickson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 337, and in earning the most prestigious award of Eagle Scout.

Ren has been very active with his troop, participating in many scout activities. Over the many years Ren has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Ren Dickson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRESS SALUTES LANCE CORPORAL JASON KEITH BURNETT

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. WELDON of Florida. Mr. Speaker, I rise to commemorate the life and service of Jason Keith Burnett, a lance corporal with the United States Marine Corps—who lost his life in Iraq while conducting combat operations on May 11, 2006 in the Al Anbar Province.

Burnett drowned with three other Marines when their tank plunged off a bridge during a combat patrol. The others killed in the accident were Lance Corporal David J. Grames Sanchez of Fort Wayne, Indiana, 2nd Lt. Michael L. Licaizi of Garden City, New York and Corporal Steve Vahaviolos of Airmont, New York.

At the time of his death, Lance Corporal Burnett was a member of Company A, 2nd Tank Battalion, 2nd Marine Division, Camp Lejeune, North Carolina.

His parents, Ronald and Michele Burnett and his brother, Ryan, a Marine stationed in Hawaii, survive him. Several hundred people attended the funeral at First Baptist Church of Poinciana on May 25, 2006 to honor our fallen hero.

He served his country honorably—with courage, inspiring initiative and distinction.

A devoted Marine and true patriot, it has been said of Lance Corporal Burnett that he knew how to make people laugh and he knew when it was time to be serious—either by helping the poor through his church or playing soccer.

He will be long remembered for his love of outdoors, his successful mission trips with his church and his ultimate sacrifice for his country. We've lost another great American. We will all miss him. Jason Burnett is a true hero. Our thoughts and prayers are with his family and friends.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes:

Mr. CROWLEY. Mr. Chairman, I rise to support passage of this bill.

While I am upset that the Democratic Motion offered by my colleague NITA LOWEY, which would have increased the first responder grants for urban areas by $750 million, was defeated on a party line basis, she raises important issues that must be addressed.

Where have foreign terrorists struck when they attack our country?

They attack major urban areas, as they look to create spectacular havoc while maximizing the killing of civilians—that is the calling card of Osama bin Laden. Remember him? Sometimes we forget him in the discussion of tax cuts and gay marriage and all the other issues—but he is still out there and still threatening our country, and especially New York and Washington, almost everyday.

Al-Qaeda is not human—but we need to be ready for other attacks. That means proactive preparedness, as well as improving our reactive response as well.

Proactively, we need to better protect our urban areas—the terrorist targeted areas—like New York.

New York was the target in 1993 when terrorists bombed the World Trade Center, and again on September 11, 2001, when they completed the job they started 8 years earlier. New York City is the most targeted city in the country and likely on Earth by terrorists.

This is a reality Congress and the White House need to face. And if we are serious about protecting America—all Americans—regardless of their voting patterns, then we must go about protecting these most targeted and most vulnerable areas.

And I don't just say New York City is targeted to get my hometown more money. We know we are targeted due to information our U.S. intelligence services provide to us.

Being on al-Qaeda's hit list is one of the few distinctions New York City has that I am not proud of, and not happy to talk about.

But we must talk about it—because it is, again, reality.

I salute the Appropriations Committee for working with me and agreeing to the amendment I offered with my colleague from New York, VITO FOSSELLA, to increase the current urban area security initiative by $20 million—a $12.7 million increase over last year. But more funding is needed.

But this issue of homeland security and ensuring the resources are there for our first responders—both for proactive and reactive preparedness—is more then an issue of funding in total dollar amounts. It comes down to the flawed funding formulas developed by Congress and the Bush White House to distribute homeland security dollars.

These flawed formulas were crystallized last week when President Bush announced a 40 percent cut in urban security aid to New York City, saying the funds weren't needed for us.

Instead, these urban security dollars went to places like Louisville, Kentucky, while certainly at risk, cannot claim to have the critical infrastructure of New York City under the terrorist microscope.

This is a reality too—a sad and pathetic reality that our homeland security dollars have become the latest pot of federal funding to be

politicized by this White House instead of being used to protect Americans at greatest risk of terror attack.

Other realities:

Our country takes urban security funds created for places like New York and diverts them to Louisville;

Our Nation provides more homeland security dollars per capita to Wyoming than to New York;

And sadly, protecting our homeland security is more about politics than security.

We haven't caught Osama bin Laden, the Taliban is returning to Afghanistan, and Congress is not providing the funds to our first responders to protect our targeted cities—our Nation's homeland security is a sad reflection of our great country.

RECOGNIZING ANTHONY WARREN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Anthony Warren, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 337, and in earning the most prestigious award of Eagle Scout.

Anthony has been very active with his troop, participating in many scout activities. Over the many years Anthony has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Anthony Warren for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO U.S. ARMED FORCES AND INTELLIGENCE COMMUNITY

HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mrs. DRAKE. Mr. Speaker, this morning we woke up to the news that Abu Musab al-Zarqawi, the vicious terrorist who has beheaded innocent civilians and murdered women and children in furtherance of his perverted view of peaceful religion, was killed by a U.S. precision guided air-strike.

I would like to take this moment to thank the men and women of our Armed Forces and the intelligence community for their tireless efforts in striking the sword of justice deep into the heart of the terrorist threat. I want them to know that their work has saved the lives of Americans and Iraqis.

While there is the possibility that someone will attempt to rise and take Zarqawi's place, I am hopeful that confusion and fear will now reign supreme amongst the terrorists and that Iraq's newly formed government can use this to their advantage and continue moving Iraq forward. There is still work to do, and we must remain vigilant. The global war on terror is not about an individual, but about combating a perverted ideology that hates freedom, democracy, justice and equal rights for all.

Again, I congratulate our military and the Iraqi people for this success and hope that Zarqawi's death will lead to peace and stability in Iraq.

IN LASTING MEMORY OF SAM PIERSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. ROSS. Mr. Speaker, I rise today to commemorate the life and accomplishments of Sam Pierson, who passed away on the 25th of January. Sam was an admired and cherished member of the Lewisville, AR, community, and I would like to take a few moments to recognize his achievements.

Mr. Pierson was born on February 10, 1931, in Bebee, OK. As a dedicated law enforcement officer, Sam served as the Lewisville city marshall in 1968 and the Lafayette County deputy in 1980. Sam then served as the Lewisville chief of police from 1985 to 1998 and most recently as the Lafayette County sheriff from 2001 to 2002. He was extremely respected among his colleagues, and was a member of the Arkansas Sheriff's Association and the National Association of Chiefs of Police.

In addition to his remarkable achievements in public service, Sam Pierson also served his country. He was a veteran of the Korean war, where he was wounded and received a Purple Heart. He was also a member of the Oklahoma National Guard 45th Division and a member of the American Legion.

I am deeply saddened by the death of Sam Pierson. His passing will leave a void in Lafayette County, the city of Lewisville, and in the lives of his family and many friends. While Mr. Pierson may no longer be with us, his spirit and legacy will live on forever in the lives he touched.

My most heartfelt condolences go out to his wife, Maebell Pierson; their 3 sons, George and wife Mary Ann Pierson, John and wife Billie Joe Pierson, and Joe and wife Sheila Pierson; their 3 daughters, Kay and husband Hoppy Higgins, Linda and husband Wayne Etue, and Samantha and husband Michael Henry; his 3 brothers, Jimmy Milligan, Doug Milligan, and Charles Milligan; his 4 sisters, Daisy Neff, Georgia Cox, Vadia Ross, and Barbara Muntz; his 15 grandchildren, 14 great grandchildren, and a host of other relatives and friends.

OGLALA SIOUX TRIBE ANGOSTURA IRRIGATION PROJECT REHABILITATION AND DEVELOPMENT ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. HERSETH. Mr. Speaker, today I am pleased to introduce the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act. This legislation authorizes much-needed efficiency improvements to the irrigation facilities at the Angostura Unit, a Federal Bureau of Reclamation dam on the Cheyenne River in South Dakota. These improvements will restore critical water resources and promote economic development on the nearby Pine Ridge Indian Reservation.

This bill provides important resources to the citizens of South Dakota and the Lakota people of the Pine Ridge Indian Reservation. It authorizes funds to carry out the Bureau of Reclamation's recommended improvements to the irrigation facilities at the Angostura dam. The dam provides substantial economic benefits to many South Dakotans. It provides irrigation to 12,218 acres of land which benefits ranchers and agricultural producers in the area, and it supports an important recreational boating and fishing industry which is enjoyed by many of our citizens.

Until now, however, the Angostura dam has failed to provide any of these economic benefits to the members of the Oglala Sioux Tribe who live just 20 miles downstream of the dam on the Pine Ridge Indian Reservation. The Oglala Sioux Tribe has long relied on the resources provided by the Cheyenne River, which forms part of the northern boundary of its reservation. Long before the dam was constructed as part of the Pick-Sloan Missouri River Basin Project, the tribe relied on the river as an important economic resource. Since it was completed, however, the dam has taken an enormous toll on the tribe. The dam curbed the Cheyenne River's natural flow, reducing water quality on the reservation, diminishing natural riparian habitats, adversely impacting fish and wildlife and forcing important tribal agricultural enterprises to shut their doors.

The bill implements the Bureau of Reclamation's preferred alternative in its revised water management plan for the Angostura Unit, which calls for improved efficiencies in irrigation operations that will free up additional water resources for both existing water users and the tribe. In addition, the legislation would authorize the creation of a trust fund to compensate the tribe for the devastating economic impacts and loss of natural resources caused by the operation of the dam. The fund will be used to promote economic and infrastructure development on the Pine Ridge Indian Reservation and enhance the education, health and general welfare of the Oglala Lakota people.

I hope that my distinguished colleagues will take up and pass this legislation quickly. It will allow all of us in South Dakota to better use our natural resources, while keeping our solemn commitment to deal fairly and honorably with the Oglala Sioux Tribe and the Lakota people of the Pine Ridge Indian Reservation. I ask for your help and support in moving it forward.

RECOGNIZING JOSEPH OLVERA FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joseph Olvera, a very special

young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 337, and in earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Joseph Olvera for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRESS SALUTES BRIGADIER GENERAL MARK H. OWEN

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. WELDON of Florida. Mr. Speaker, I rise to recognize Brigadier General Mark H. Owen, Commander of the 45th Space Wing in Florida and Deputy Department of Defense Manager for Manned Space Flight Support to NASA. I congratulate him on his new assignment as Deputy Director, Strategic Security, Deputy Chief of Staff, Air, Space and Information Operations, Plans and Requirements, Headquarters United States Air Force, Pentagon, Washington, DC.

For the past 2 years, Brigadier General Owen has served as the Director of the Eastern Range, responsible for the safe and secure access to space of America's manned and unmanned space vehicles.

During this time, he was responsible for the processing and launch of U.S. Government and commercial satellites from Cape Canaveral Air Force Station.

The Eastern Range encompasses a 15 million square mile area, that includes a network of radar, telemetry tracking and telecommunication hardware operating at sites up the East Coast and in the Atlantic Ocean including detachments at Antigua Air Station and Ascension Island.

General Owen earned his commission upon graduation from the U.S. Air Force Academy in 1979. To date, he has received seven promotions and served in a variety of space and missile assignments involving missile combat crew operations, satellite command and control, space lift and test range operations and major space systems acquisitions.

During the early years of his service, his assignments included the Phillips Laboratory at Kirtland Air Force Base, New Mexico; the Space and Missile Systems Center at Los Angeles Air Force Base, California; the National Reconnaissance Office and the Office for the Assistant Secretary of the Air Force for Acquisition in Washington, D.C.

General Owen has also served in staff positions at Headquarters Air Force Space Command and in the Office of the Assistant Secretary of the Air Force for Space, as well as the Office of Secretary of the Air Force.

His command experience includes leading a squadron in Colorado and California, and serving as commander of the 91st Space Wing, Minot Air Force Base, North Dakota and the 45th Space Wing, Florida.

Brigadier General Owen's education accomplishments include two undergraduate degrees, one in biology/pre-med from the U.S. Air Force Academy and the other in electrical engineering from the University of New Mexico. He earned two Master degrees, one in systems management from the University of Southern California and the other in national security strategy from the National Defense University, National War College. Other education accomplishments include Squadron Officer School, Marine Corps Command and Staff from the Marine Corps Institute, Defense Systems Management College, Program Management, distinguished graduate from Air Command and Staff College and National Security Management Fellow from Syracuse University.

Brigadier General Owen's awards and decorations include the Legion of Merit with oak leaf cluster, Meritorious Service Medal with three oak clusters, Air Force Commendation Medal, Air Force Achievement Medal with oak leaf cluster, Combat Readiness Medal, and the Global War on Terrorism Service Medal.

I am honored to rise in support of General Owen's service to our Nation and I am proud of his commitment to the cause of liberty and freedom. I wish him every success as he continues to serve this great Nation in the United States Air Force.

TRIBUTE TO EMIL EISDORFER

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. CROWLEY. Mr. Speaker, I rise today to recognize Emil Eisdorfer, a constituent of mine as well as a friend to the Bronx community for his years of public service.

On June 8, 2006, Mr. Eisdorfer will be honored by the Beth Jacob-Beth Miriam School in recognition of all the hard work and his dedication to the Bronx community. He has taken the word community service above and beyond in an effort to serve not only his community but my constituents as well.

Mr. Eisdorfer was born in a small town in Ukraine called Mukachevo, known for its rich Jewish history up until World War II when the Nazi's genocide machine took the lives of many of his relatives, including his grandparents.

Mr. Eisdorfer's life is a real example of the American Dream. Immigrating to the United States with his wife in 1974, Mr. Eisdorfer, using his knowledge of watch making opened a small business in the Pelham Parkway neighborhood of the Bronx. While he worked to provide for his wife Elena and his two kids Jacob and Sharon, he never forgot where he came from and how he got to America. He used his standing in the Bronx community and knowledge to assist arriving immigrants from the former Soviet Union in job placement and counseling.

In addition to helping immigrants here in the United States, Emil also used his 30 years of experience in business, economic development, and retail sales to help create the Business Improvement District, in the Bronx. Emil was always willing to help around the community.

Additionally, Emil served on numerous community boards including Vice Chairman of Community board 11 and President of the Jewish Community Council of Pelham Parkway. Under this role he helped expand the council's membership, funding, and improving its services to the community.

Emil currently works as a staff-member in the New York City Council, while his two children finish up their advance degrees.

Needless to say, the work of this man has no boundaries. I am pleased that Beth Jacob-Beth Miriam School is honoring Emil, and I join with them in extending my appreciation to him for his service to his community.

HONORING THE LIFE OF MAYOR EMERITUS VINCE WHIBBS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. MILLER of Florida. Mr. Speaker, it is with a heavy heart but also with a tremendous sense of pride that I rise today to recognize and remember a beacon for civil service, Mr. Vince Whibbs. Vince left us Tuesday, May 30th. He was 86 years old. Vince was an incredible man and his absence will leave a void in Pensacola that will not soon be filled. Vicki and I grieve with the rest of the area at the passing of such a pillar of society. Our thoughts and prayers remain with Anna, his wife of 63 years, their seven children, 26 grandchildren, and 22 great grandchildren.

Mr. Whibbs was a native of Buffalo, New York and attended the University of Buffalo before becoming an "office boy" for the Pontiac Motor Division of General Motors in 1940. As the Nation was in the grips of World War II, Vince left Pontiac to attend the Army Air Force Pilot Training where he became a fighter pilot and eventually became a flight instructor for the Army Air Corps.

He left the military as a captain in 1946 and returned to the Pontiac Motor Division, rising to the position of zone manager. In 1958, Pensacola was unknowingly blessed when Vince moved his family to the area to take over a local Pontiac dealership.

Friendly, outgoing, and charming, Vince had a love for Pensacola that was overshadowed only by his love of God, country, and family. He was constantly giving back to the community through his involvement in local organizations including the Chamber of Commerce, the Pensacola chapter of the Navy League, the Fiesta of Five Flags, the United Way, Rotary Club International, Junior Achievement and Project Alert.

Mr. Whibbs also gave generously of his time, serving the community in multiple leadership roles, earnestly working to make Pensacola an even better place to live. In 1963, he was elected to the City Council where he served for two years. In 1974, he was selected to head the Pensacola Chamber of Commerce.

In 1978, he was appointed to a two-year term as mayor of Pensacola but did such a great job that he ended up serving through June of 1991. Mayor Whibbs was Pensacola's longest-serving mayor and even after he left the position in 1991, maintained the title of mayor emeritus. During his tenure, Pensacola experienced tremendous growth including the building of the current City Hall, the expansion

and revitalization of the Pensacola Regional Airport, and the building of the new Pensacola Police Department.

In 1991, Mayor Whibbs was honored on the House floor by Congressman Earl Hutto, who accurately described him by saying, ''Vince's real strengths lie in his basic. personality and his never-ending promotion of the city's goodwill. Vince Whibbs is known nationwide, and everyone who knows him breaks into a spontaneous smile when his name is mentioned. In other words, no one doesn't like Vince Whibbs.''

The Pensacola News Journal stated that ''his mind worked so rapidly that his words tumbled out at you to the point that you'd want to call for backup. He spoke from a golden throat with a silver tongue, ever the diplomat representing Pensacola.''

Vince was well known for a rapid-fire delivery of this speech he recited for visiting dignitaries:

On behalf of our elected City Council, those 10 masterful men who manage our magnificent municipality; and on behalf of the chairman of our county commission and his four commissioners who constantly deal with the changing, challenging conditions of our county; and on behalf of our wonderful people who populate the Northwest Florida area, it is my privilege and pleasure as mayor to welcome you to Pensacola, the western gate to the Sunshine State, where thousands live the way millions wish they could, where the warmth of our community comes not only from God's good sunshine, but from the hearts of the people who live here. Welcome to Pensacola, America's first place city and the place where America began.

Vince remained a champion for the Pensacola Bay Area all of the way up to his last moments. He passed after dressing for a television appearance to promote a proposed Community Maritime Park on the waterfront of downtown Pensacola. Vince campaigned endlessly for downtown redevelopment and was a staunch believer in making a good city a great place to work and live. His son Mark Whibbs put it best when he said about his father, ''He loved this city, and he became a big part of it from the moment he moved here. And he never stopped.''

He was a friend of Pensacola, a friend of the military and a personal friend of mine. His enthusiasm was contagious, his integrity inspiring. Pensacola has lost a great man. Vince Whibbs will be sorely missed.

RECOGNIZING JIM WEIDINGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jim Weidinger. Jim is retiring after over 30 years of service to the United States Department of Agriculture in Rural Development. A lifelong Missourian, Jim was born and raised on a farm in Vienna, Missouri, then after the completion of high school attended the University of Missouri in Columbia, Missouri.

Jim began his career with Rural Development on February 11, 1975 as an Assistant Emergency Loan Supervisor in the Union, Missouri, office. His career spanned 30 years at various offices and levels within the Rural Development Department. Toward the end of his tenure, Jim was crucial in the process of obtaining grants that have been critical to the growth and development of northwest Missouri.

Mr. Speaker, I proudly ask you to join me in recognizing Jim Weidinger of St. Joseph, Missouri. Jim's commitment to excellence is remarkable, and I am honored to represent him in the United States Congress.

IN LASTING RECOGNITION OF CHARLES RICHARD LIPPARD

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the life of Charles Richard ''Rick'' Lippard of Booneville, AR, who passed away on March 9, 2006. Rick was born on May 31, 1946, and I wish to recognize his life and achievements.

A graduate of Bauxite High School, the University of Arkansas, and the University of Arkansas School of Law, Rick started a law practice in Booneville in 1970. Throughout his legal career, he served as Booneville City Attorney, Logan County Deputy Prosecutor, Public Defender, and Booneville Municipal Judge. He was also a member of the American Bar Association and the Arkansas Bar Association.

Rick was also extremely active in the Booneville community where he was President and member of the Booneville Chamber of Commerce, a member of the Booneville Parks and Recreation Commission, a Member of the USDA Committee, President, Paul Harris Fellow, and member of the Booneville Rotary Club, Booneville Little League Coach and board member of First Western Bank.

In 2003, Rick was diagnosed with Amyotrophic Lateral Sclerosis, ALS, and true to his nature, passionately volunteered in whatever capacity possible. He volunteered tirelessly for the Fort Smith Chamber of Muscular Dystrophy Association, MDA, and the Memphis and Arkansas Chapters of the ALS Association.

As a man of faith, Rick taught the McLean Bible Study Class at First United Methodist Church and was a devoted member of the Walnut Grove Cumberland Presbyterian Church.

Rick spent a lifetime dedicated to the community of Booneville and will be deeply missed. My deepest sympathies go to his wife, Elaine; his three daughters, Lisa, Laura and Lesley; his three sons, Billy, Justin and Kyle; and his sister, Sharon. While Rick may no longer be with us, his legacy will live on in the lives he touched.

TRIBUTE TO BETH ASHLEY ON HER 80TH BIRTHDAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. WOOLSEY. Mr. Speaker, I rise with great pleasure to celebrate my friend Beth Ashley on the occasion of her 80th birthday. Beth has enriched so many lives in Marin County, CA, through her years of accomplished writing for the Marin Independent Journal as well as for her passionate immersion in varied aspects of life in the community and around the globe.

Born in Massachusetts, Beth moved many times in her early years as the family sought financial stability during the Depression. With the help of her supportive family, she developed an interest in writing and worked on school newspapers. They moved to Marin in 1942, and, after finishing her junior year in high school, Beth entered Stanford University where she became editor of the Stanford Daily. She graduated in 1947 with majors in journalism and political science.

Beth's journalism career began in Marin at KTIM radio and included stints in southern California and Europe before her first job at the Independent Journal, IJ, as a copy editor in 1953. She soon became news editor, one of only two women with such a position in California at that time. Except for a 12-year break to raise her children and a brief foray into a public relations business, Beth has been an important fixture in several different roles at the IJ. She currently shines as a feature writer.

Raising her five sons—including two from the previous marriage of her second husband, Ross Ashley—was a role Beth also relished. She loved her years as a homemaker but retuned to work when her husband died of cancer in 1971.

Another constant in Beth's life has been travel, which feeds her curiosity as well as nourishing her compassion for others. She has written movingly on topics such as the food shortages in Moscow in the early years of Glasnost to the struggles of women in Afghanistan trying to recover from years of repressive Taliban rule, and she is currently involved in Iran and its people on the ground, as well as in Darfur.

Beth has been a positive force on nonprofit boards in Marin County including the Marin Aids Political Action Committee, Love is the Answer, the Marin Education Fund, and the Red Cross. She has won numerous awards for her community service, awards which reflect her caring and commitment. She also published a book, entitled, of course, Marin, which captures the same essence of the area that is reflected in her features.

Readers of the IJ look forward eagerly to Beth's columns which illuminate all aspects of life in Marin County as well as capturing deeper feelings about our global world and our shared humanity. Reflecting on the life of a young girl who is working in Darfur, Sudan, with Doctors Without Borders, Beth mused, ''Young people today do remarkable things—eschewing personal comfort, risking their lives—to help humanity in the rest of the world.... And I felt stirrings of regret that I had never fulfilled a long-ago urge to change the work with unselfish service of my own.''

Fortunately, she adds to these ruminations, ''My life has been happier than I could ever have dreamed.'' Her happiness, caring, and concern shine through both in person and in the newspaper. Beth's writings have been a remarkable and unselfish service to the people of her community and beyond, but to Beth, her children are one of the most important legacies anyone could have.

Mr. Speaker, today it is my privilege to thank Beth Ashley for what she has given to us and to join with thousands of others in wishing her a happy 80th birthday.

HONORING THE CONSECRATION OF ELIZABETH CHAPEL UNITED METHODIST CHURCH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. MILLER of Florida. Mr. Speaker, it is with tremendous joy and celebration that I rise today to honor the consecration of the Elizabeth Chapel United Methodist Church in Chumuckla, FL, where my wife Vicki and I have been members since 2001.

Elizabeth Chapel has been a home for me; a place of solace where I can go to be closer to God and get back in tune with what is really important in my life. Likewise, the church family has acted as a true family to my wife and me, continuously offering us their support, encouragement, and kindness.

Elizabeth Chapel United Methodist Church has served a vital role in the community of Chumuckla since 1937. Originating from the marriage of two smaller churches in the late 1930s, the church has remained a quaint group of adamant believers whose moral fiber and strength is unwavering.

On September 16, 2004, Hurricane Ivan tore through the area, leaving damage, destruction, and heartbreak in its wake. The hurricane left the church building irreparable and it was soon leveled to begin new construction. Though many members of the congregation lost their homes or had significant damage to their own property in the storm, in the week that followed the hurricane, members of the church and others in the community came together descending on the church grounds to help FEMA distribute over 60,000 MRE's as well as ice and water to those in need.

In the months that followed with the glorification of God's work in their hearts, the community, congregation and other churches in the surrounding area came together to begin rebuilding Elizabeth Chapel. It has been nearly two years since Ivan devastated the Gulf Coast, and the reconstruction is complete. On Sunday, June 10, 2006, I will join in the fellowship and celebration of the consecration of the Elizabeth Chapel United Methodist Church.

Mr. Speaker, I truly represent an incredible group of people. It warms my heart that the community, congregation, and other churches have come together, through the hardships and heartache that have been prevalent since hurricane Ivan, to once again provide a house of worship to the amazingly resilient members of Elizabeth Chapel United Methodist Church.

RECOGNIZING KYLE AUSTIN SPANGLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Austin Spangler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Kyle Austin Spangler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF REVEREND B.J. JACKSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. ROSS. Mr. Speaker, I rise today to honor the memory of Reverend Brisco James "B.J." Jackson of Crossett, Arkansas. Reverend Jackson dedicated his life to serving others through ministry. He passed on an enduring legacy with his strong leadership, vision, and concern for others. Reverend Jackson passed away on Saturday, May 6, 2006 at the age of 83.

Rev. Jackson was born in Shelton, LA to James and Mittie Jackson and raised in Oak Ridge, LA, by his grandmother, Maggie Lewis. In 1943 he moved to Crossett, where he was employed by Crossett Lumber Co. Throughout his impressive career, Rev. Jackson joined New Bethel Missionary Baptist Church, where he served on the usher and deacon boards. He became a minister in 1949 and served as pastor at Ivory Chapel Baptist Church in Bastrop, LA, Mt. Zion Baptist Church in Monroe, LA, Rose Hill Baptist Church in Dermott, and Holly Springs Baptist Church in Pine Hill. In 1950, he became pastor of New Bethel and became full-time pastor in 1966.

Rev. Jackson's commitment went far beyond his activities as pastor; he was passionate about giving back through other community service as well. In addition to serving as pastor of New Bethel, he was moderator of the Southeast District Baptist Association for 29 years, second vice president of the Regular Arkansas Baptist Association, and instructor of the ministers' seminar in the association for over 20 years. Reverend Jackson was also president of the Williams Daycare Center board of directors, a 32nd degree Mason, a member of Exodus Lodge 403 of Crossett and Scottish Rites Angerona Lodge 78 in Pine Bluff, and a member of Eastern Star of Silver Star Lodge 306 in Crossett.

A man of great character, he returned to high school at the age of 31 and graduated from T. W. Daniel in 1959. He was also a graduate of United Theological Seminary in Monroe.

While Rev. Jackson may no longer be with us, his spirit and legacy will live on forever in the lives he touched. My heartfelt condolences go out to his wife of 62 years, Sallie Lee Jackson; their daughters Hazel Hill, Betty Levy, Bobbie Hendrix and husband John; their son Charles Jackson and wife Mary; his sister Leola Coleman; his fifteen grandchildren; twenty-eight great-grandchildren, and three great-great-grandchildren.

TRIBUTE TO JOSEPH VERDU

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Joseph Verdu, a man who was loved and admired by many people in my hometown of Petaluma, California. Joe passed away on November 5, 2003, at the age of 69. On May 20, 2006, friends and family gathered for the dedication and renaming of McDowell Field to the Joseph F. Verdu Athletic Field.

Joe deserved this honor. He was active in youth sports in Petaluma, inspiring many young people with his warmth and commitment. He helped organize the Petaluma Youth Soccer League and served as its president for three years. He was also vice president of the California Youth Soccer Association for two years and on the board of the Petaluma Valley Little League. The City honored him with a Community Recognition Award in 1978 and the State of California with the Parks and Recreation Department Outstanding Service Award in 1979.

Born in San Francisco in 1934, Joe graduated from Lowell High School, attended UC Berkeley, and served in the United States Air Force from 1954–1958. He married his sweetheart Sylvia Magnani in 1957. The couple lived in Santa Clara until his job with Kimberly-Clark brought him to Petaluma in 1970.

Joe is survived by his wife Sylvia and their eight sons: Joseph, William, Stephen, Thomas, Mark, David, Paul, and Michael. When he died, he had 16 grandchildren; now there are 17.

Mr. Speaker, Sylvia describes her husband as "a wonderful family man" with a "magnetic personality that made him popular with everyone who knew him." I know that description rings true for me and my family. We miss Joseph Verdu's humor and spirit, and I am proud to honor him for his service to the youth of Petaluma.

MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2006

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

Mr. COSTELLO. Mr. Speaker, I rise today in support of S. 2803, the Mine Improvement and New Emergency Response (MINER) Act of 2006, to provide important Federal safety regulations for coal mines.

The number of coal miners who have died so far this year is alarming and has highlighted the pressing need to revise coal miner health safety standards to ensure miners are equipped with state of the art technologies, tracking devices, and sufficient emergency supplies of oxygen.

Our current Federal mine safety regulations are outdated. We need to act now to protect

the health and safety of our coal miners from future tragedies and enact stiffer penalties for flagrant violations of the law. Further, regulations must be enforced. I have cosponsored Representative MILLER's bill, H.R. 5389, the Protecting America's Miners Act, to improve mine safety regulations to help protect miners in the event of an emergency.

The bill before the House today, S. 2803, while not perfect, includes many important provisions to help save lives. The measure is a step in the right direction and is only the beginning of more mine safety reforms to be considered in the House to ensure our mine workers have the safest measures in place.

I represent southwestern and southern Illinois, a region with a rich coal mining history. Coal mining has played a significant roll in transforming and developing the region since the mid-1800s when substantial coal mining in Illinois began. In 2006, the coal industry continues to be a vital component of our economy, and one we are working to strengthen for the future. Improving mine safety standards is an important part of this process began in Illinois, West Virginia, and other coal producing States. Mr. Speaker, I urge my colleagues to support S. 2803 to affirm our commitment to the hard working men and women who enter coal mines every day.

RECOGNIZING TREVOR DON ROTH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Trevor Don Roth, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Trevor has been very active with his troop, participating in many scout activities. Over the many years Trevor has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Trevor Don Roth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF CHARRE TODD

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. ROSS. Mr. Speaker, I rise today to recognize Charre Todd of Crossett, Arkansas who was recently awarded the 2005 Presidential Award for Excellence in Mathematics and Science Teaching. This award is the Nation's highest honor for teaching in the fields of math and science.

This annual presidential award was established by Congress in 1983. It provides special recognition to outstanding educators in the fields of mathematics and science for all 50 states, the District of Columbia, Puerto Rico, the U.S. Territories, and the U.S. Department of Defense Schools.

I have always held education in the highest regard. As parents, educators, and public officials, we have an obligation, a moral duty, to ensure that students, from pre-school to high school and beyond receive the highest quality education possible. By properly educating our students and providing them with the tools they need in order to become successful adults, they will thrive in today's fast-paced and technological world.

The most important component to our children's education is our teachers. Today, more than ever, our educators face new obstacles and challenges. As the son of public school educators, I have a deep respect and gratitude for all educators and their personal commitment to our children.

America is deeply indebted to top-notch educators, such as Charre Todd, for their continued excellence in the classroom and commitment to our students. Today's teachers shape the very foundation of America's future. I am honored to recognize Mrs. Todd for her outstanding work, and extend my sincere gratitude for her dedication to educating our young people. Mrs. Todd is an inspiration to us all, and I consider it a privilege to serve as her United States Congressman in the House of Representatives.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. BISHOP of New York. Mr. Speaker, due to illness, I was not present in the Chamber to cast my vote on rollcalls 227 through 234 on Wednesday, June 7.

Had I been present, I would have voted "yea" on rollcalls 229, 230, 231, 233, and 234.

I would have voted "nay" on rollcalls 227, 228, and 232.

REMEMBERING THE LIFE OF WORLD WAR II NAVAJO CODE TALKER, ROBERT YAZZIE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. COOPER. Mr. Speaker, I rise today to honor the life of Robert Yazzie, a remarkable American who served his Nation with great courage and honor as a code talker during World War II. We lost a great Tennessean, veteran and patriot when Mr. Yazzie passed away on Memorial Day—Monday, May 31, 2006—at the age of 81.

Robert H. Yazzie was born on June 1, 1924 in Arizona and grew up in an Episcopal orphanage on a Navajo Indian reservation. At the age of 17, he enlisted in the Marines to serve as a code talker in World War II. Yazzie and the other code talkers developed a code based on their native language for military communications in battles with Japan. They used the code in telephone and radio messages to transmit commands, tactics and troop movements. The Navajo code was used in every Marine assault in the Pacific and played a large role in the U.S. victories at Guadalcanal, Peleliu, Iwo Jima and other major battles in the Pacific between 1942 and 1945. It was never once decoded by the Japanese.

After the war, Mr. Yazzie was discharged as a Private First Class in 1945. He married Carrie A. Yazzie of Gainsboro, TN and moved to Nashville in the early 1950's. He raised a family while earning an honest living as a welder. Mr. Yazzie battled diabetes for the last 35 years of his life and suffered heart problems and a blood infection. He passed away peacefully at his home in Madison, TN.

Mr. Yazzie was always very humble about his contributions to the war effort, "We just sent messages," he said in 2003. "We were sending codes on the radio, and we would just talk on the radio using my language."

Because the code talkers were considered such valuable assets to the military after the war, they never received public recognition for their contributions in the Pacific. Finally, in 1992, Mr. Yazzie was among 35 Navajo code talkers to receive official recognition for their service from the Pentagon outside of Washington, D.C. In addition, I had the great honor of awarding Mr. Yazzie a Congressional Silver Medal for Distinguished Service at a special ceremony in Nashville on July 4, 2003.

I am proud to salute the remarkable life and contributions of Mr. Robert Yazzie and his legacy of courage and patriotism that will live on. On behalf of the Fifth District of Tennessee, I offer my most sincere condolences to his family—Bruce M. Yazzie, Martha Prater, Marjorie Lowe, Charlie Burris and Harvey Lee Burris—and the loved ones he leaves behind.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, on Monday, May 22, 2006 I was unavoidably delayed and thus missed rollcall votes Nos. 177 and 178. Had I been present, I would have voted "yea" on both votes.

TRIBUTE TO JACK AND EVON KECK

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. WELLER. Mr. Speaker, I rise today to honor Jack and Evon Keck who recently pledged $1 Million to assist in the funding of Silver Cross Hospital's Emergency Department expansion. Jack and Evon Keck are constituents in my 11th Congressional District.

The newly expanded Silver Cross Emergency Department will have the capacity to care for 60,000 patients annually. A new waiting area will also be added for children, with amenities like video games, flat screen TVs with VCR/DVDs and an aquarium that will catch the attention of the children and make the wait a little bit easier for parents.

The Kecks are longtime residents and business leaders in Joliet, Illinois. Jack and Evon attended and met one another at Joliet Township High School. In 1942, only three months after marrying Evon, Jack joined the Seabees and served as a 1st Class Electrician in the South Pacific during WWII for three years. During this time, Evon worked for the phone company. Jack is a former partner of William Keck and Sons Electric Company and the original founder of the Joliet Equipment Corporation, which today is one of the largest motor repair and sales companies in the Midwest.

As a business man, Jack was successful in selling the largest motors ever build to Pacific Steel. It took two railroad cars to transport each motor. He also purchased all the superchargers in existence that were used in B–29 airplanes. General Henry ''Hap'' Arnold, commander of the Army Air Forces in World War II and the only air commander ever to attain the five-star rank of General of the Army, ordered the purchase of nine car loads to be used in the planes supplying the Berlin Aircraft. At the age of 65, Jack bought the Wisconsin Steel Mill, dismantled it in the middle of winter, and moved it to Joliet to be cleaned and sold.

The Ked's are the proud parents of two children, Ricky and Cynthia. Today, they enjoy spending time with their children, grandchildren and great-grandchildren.

Mr. Speaker, I urge this body to identify and recognize other individuals in their own districts whose actions have so greatly benefited and strengthened America's families and communities.

ONCOLOGY NURSING

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. KIND. Mr. Speaker, I rise today to call attention to the important and essential role oncology nurses play in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled and kind-hearted providers of quality clinical, psychosocial and supportive care to patients and their families. In short, they are integral to our nation's cancer care delivery system.

On behalf of the people with cancer and their families in Wisconsin's 3rd Congressional District, I would like to specifically acknowledge Diane Otte from Onalaska, Wisconsin for her service on the Oncology Nursing Society Board of Directors and her role as Director of the Cancer Center at Franciscan Skemp Healthcare.

The Oncology Nursing Society has five chapters in my home state of Wisconsin. Located in Edgar, Green Bay, Oak Creek, Pewaukee, and Madison these chapters serve the oncology nurses in the state and support them in their efforts to provide high quality cancer care to patients and their families throughout Wisconsin.

Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration, and education in the field of oncology. The Oncology Nursing Society is the largest organization of oncology health professionals in the world, with more than 33,000 registered nurses and other health care professionals. The Society's mission is to promote excellence in oncology nursing and quality cancer care. I commend Diane and her organization for all that they do in the field of oncology.

Cancer is a complex, multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specializing in oncology care, including nurses who are certified in that specialty. According to the American Cancer Society, one in three women and one in two men will receive a diagnosis of cancer at some point in their lives, and one out of every four deaths in the United States results from cancer. This year approximately 26,390 people in Wisconsin will be diagnosed with cancer, and another 10,650 will lose their battles with this terrible disease. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges people with cancer face throughout their diagnosis and treatment.

I would like to once again acknowledge and thank Diane Otte for her hard work and leadership on the Oncology Nursing Society Board of Directors. As a nurse and leader in the field, Diane has made it her life's mission to help others and she should be applauded for all she has done.

AMENDING TITLE 49, UNITED STATES CODE

SPEECH OF

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 5449, which would send the Federal Aviation Administration and the National Air Traffic Controllers Association back to the negotiating table to reach a fair resolution to their contract dispute.

On April 5, 2005, the FAA declared an impasse in its contract talks with NATCA. The current process for resolving an impasse in contract talks between FAA and NATCA allows the FAA to unilaterally impose its contract upon the controllers if the agency sends the contract to Congress and there is no legislative intervention within 60–days. On June 5, the 60–day window ended and the FAA announced that it intended to begin implementing its last contract offer.

Not only is this process unfair, but it creates a level of distrust between the two parties responsible for ensuring a safe and efficient air traffic control system. Congress should not be in the business of negotiating contract disputes. Instead, we should help ensure an equitable resolution to this situation by sending both parties back to the negotiating table and H.R. 5449 does just this.

Mr. Speaker, our nation's dedicated, highly-skilled air traffic controllers are on the front lines of ensuring safety for the millions of Americans who fly each year. Under the unfavorable terms of the FAA's last offer, many of them would have an incentive to quickly retire. Such a retirement exodus would have serious safety implications for the flying public. It is imperative that Congress acts now and sends the two parties back to the negotiating table.

RECOGNIZING ALEXANDER STEVEN ORTEGA FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Alexander Steven Ortega, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Alexander Steven Ortega for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF THE STRONGSVILLE MUSTANGS BASEBALL TEAM—STATE CHAMPS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the Strongsville Mustangs Baseball Team, for their spectacular victory as winners of the State of Ohio, 2006 Division I High School Championship.

This well-deserved triumph reflects a committed coaching staff and dedicated players who maintained a steady focus on their collective dream. The individual athleticism, enthusiasm and discipline that reflected from every player also reflected the soul of a team whose faith in themselves and passion for the game proved mightier than the odds of winning.

The sheer talent, drive and ultimate victory that frames the 2006 season of the Strongsville Mustangs, a team once described as the ''underdog,'' stands as a monument to the collective resilience and spirit of our nation itself, and reflects the heart and soul of our greatest American pastime—baseball.

Mr. Speaker and colleagues, please join me in honor and recognition of the coaches and players of the Strongsville High School Mustangs as we join in congratulating them on their outstanding victory as State Champions. The individual and collective achievements of the Strongsville Mustangs Baseball Team underscores the meaning of the words ''True Champion,'' and serves to inspire us all with the joy of the game and the knowledge anything is possible, even in the bottom of the ninth, two down, full count—batter up.

ABBAS' ULTIMATUM TO HAMAS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to comment on Hamas' refusal to even come to the table to answer Palestinian President Mahmoud Abbas' recent ultimatum.

Eleven days ago, President Abbas demanded that Hamas government recognize the 1967 borders with Israel threatening to take the plan to a public referendum. President Abbas' plan would establish a Palestinian State and allow for all Palestinian refuges to return to their homes within Israel. Hamas' refusal to even consider this plan shows just how extreme Hamas is.

Hamas is responsible for the tragic deaths of thousands of innocent Israelis and Americans, including women and children. It has refused to take part in any peace talks, including the Oslo Accords. It has refused to participate in previous, formal governmental operations that have worked with Israel. And it has actively recruited children to accomplish their malevolent and homicidal agenda.

I commend President Abbas for attempting to bridge the gap between the Hamas government and Middle East peace. I stand steadfast in support of our ally, Israel. And I urge the world to recognize Hamas for what it truly is—an organization bent on extremism and hate and a roadblock on the path to peace in the Middle East.

RECOGNIZING NORTHWEST MISSOURI STATE UNIVERSITY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Northwest Missouri State University. Established in the year 1905, Northwest Missouri State University has just marked 100 years of outstanding service in higher education.

Beginning as a two-year Normal School for teacher education, Northwest Missouri State University now is a nationally and internationally recognized university offering bachelor and master degree programs. Beginning in 1984, Northwest Missouri State University established a culture of quality and has won the Missouri Quality Award three times.

An innovative leader, the first electronic campus at a public university in the United States was founded at Northwest Missouri State University in 1987. Northwest Missouri State University is a national leader in alternative fuels, having put in place a wood pellet system that has produced the University's own heating and cooling for more than 20 years, and providing a significant savings to the University and the State of Missouri.

Among public colleges and universities, Northwest Missouri State University maintains one of the highest graduation rates at more than 60 percent. Students at Northwest Missouri State University consistently rank the university at the top of student satisfaction measurements. Realizing the need for more accessible education to all, Northwest Missouri State University established the American Dream Grant in 2004, the only program of its kind in the United States that provides students who qualify with free tuition, room and board, computer and textbooks.

Mr. Speaker, I proudly ask you to join me in recognizing Northwest Missouri State University, an exceptional institution in Missouri's Sixth Congressional District. The Northwest Missouri State University's commitment to excellence is inspiring, and I am honored to represent so many of its fine employees, students, and alumni in the United States Congress.

TRIBUTE TO THE 30TH ANNIVERSARY OF COMMUNITY RESOURCES FOR INDEPENDENCE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to pay tribute to Community Resources for Independence (CRI) as this organization celebrates 30 years of assisting people with disabilities in Napa, Sonoma, Lake and Mendocino Counties.

CRI was founded as a non-profit organization in 1976 to advance the rights of people with disabilities to equal justice, access, opportunity and participation. From its humble beginnings with a single office in one county, it has grown to an organization with three offices serving more than 2,500 people in four counties with an annual operating budget of $1.5 million.

CRI has enriched the lives of its clients by working with individuals, cities and counties to improve access for persons with disabilities in their work, study, play, housing and worship and received national recognition for its work in 2000.

The organization's Transition Project assists people with disabilities in moving from institutional to independent living. It is the only program successfully serving homeless disabled individuals in Sonoma County.

The Deaf Services Program provides advocacy, communication assistance, community education, independent living skills, peer counseling and accessibility equipment resources.

The Disability Law Clinic has been instrumental in raising disability awareness in the community by working with employers to support reasonable accommodations in the workplace and by protecting the rights of its clients to be participating members in the community.

2006 is also a milestone year as it marked the inauguration of CRI's first wheelchair basketball team, The Redwood Rollers. Naturally they won their first game.

In work and in play, Community Resources for Independence has become an invaluable organization in my Congressional District and it is therefore appropriate that we acknowledge and honor them as they celebrate 30 years of service.

IN RECOGNITION OF LE MOYNE COLLEGE MEN'S LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. WALSH. Mr. Speaker, I rise today to praise the Le Moyne College Men's Lacrosse team on winning the 2006 Division II National Championship. Their 12–5 victory over Dowling College capped off an 18–0 campaign for the Le Moyne Dolphins, and earned them their second Division II national title in 3 years. Le Moyne's national title efforts were spurred by the best D-II defense in the Nation. The Dolphins also had a total of 8 players earning All-America honors from the United States Intercollegiate Lacrosse Association.

On behalf of the people of the 25th District of New York, I congratulate Head Coach Dan Sheehan, Assistant Coaches Brian Datellas, Kevin Michaud, Eric MacCaull, and the players of the Le Moyne College Men's Lacrosse team:

Jared Corcoran, Travis Tarr, Alex Bily, Markus Fallico, Brian Cost, Jason Longo, Chris Doran, Brian Griffin, Nate Evans, Chris Moore, Matt Juriga, Matt Emerson, Mike Recor, Jordan Witt, Tim MacLean;

Brian Welch, Ted Rund, Ed Street, Mike McDonald, Doug McIve, Pete Gibbons, Blake Gale, Ryan Lewis, Tom Donahue, Kevin Kohl, Brad Wolken, Jim Fiacco, Matt Crandall, Marc Cizenski, Mike McLaughlin;

Dan Brown, Jeff Lewis, Craig Rosecrans, Tyler Hill, Russ Oechsle, Andrew Carducci, Rob Poole, Mike Lindstrom, Mike Malone, Matt Cassalia, Dan Ziegler, Pat O'Donnell, Pat McPartlin, and Matt Foster.

HONORING EUGENIA BULNES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to recognize Ms. Eugenia Maria Bulnes, the Principal of the Sister Carolyn Learning Center. Principal Bulnes is retiring on June 9, 2006 after 8 years as principal and over 40 years as an educator and mentor to the youth of South Florida.

Eugenia, arrived in our great country in 1961 after fleeing the Castro regime. Since then, she found her life's calling working with children. In fact, Eugenia has spent the majority of her life, mentoring and guiding youth.

Throughout her career she has established herself as a selfless leader, and her dedication to her field is unquestionable. It is the perseverance and compassion of people like Eugenia that enables our country to continue to prosper and grow.

I am grateful for the tremendous diligence and dedication Eugenia exhibited on behalf of the student body at Carolyn Learning Center. Eugenia's dedication to enriching the lives of others is truly admirable. The passion she exerted towards her profession is not only commendable, but inspirational as well.

Once again, I commend Eugenia for her distinguished career as an educator and I applaud her for all the tremendous successes you have accomplished throughout the years.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of May 19, 2006 the House voted on a procedural motion to H.R. 5385, the Fiscal 2007 Military Construction-VA Appropriations Act. On House rollcall vote No. 173, I was unavoidably detained. Had I been present, I would have voted "aye."

RECOGNITION FOR REV. BOB RUSSELL

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mrs. NORTHUP. Mr. Speaker, I would like to recognize the career and service of the Reverend Bob Russell, who is retiring this month after forty years of ministry at Southeast Christian Church in Louisville, Kentucky. Throughout his time at Southeast, Rev. Russell has worked diligently to follow his faith in God wherever it might lead him. His contribution to the Louisville community is unparalleled and his impact on individual lives is immeasurable.

As a young man in Pennsylvania, Rev. Russell dreamed of coaching high school basketball. However, life would hold a different plan for him. During his senior year of high school, he felt a call into ministry. He enrolled in a seminary, graduating from Cincinnati Bible Seminary in 1965.

On June 12, 1966, Rev. Russell delivered his first sermon as pastor of a nascent Southeast Christian Church. Only four years prior, Southeast was founded with seventy-seven charter members. At the time of Rev. Russell's arrival, the church had reached a membership of 120. Within two years of his first sermon, the church had more than doubled to nearly 300 members. On Easter Sunday 1976, the church hosted 1,000 worshippers for the first time. Fourteen years later in 1990, 10,000 people worshipped at Southeast on Easter Sunday. And the church set its current record of 29,424 on Easter weekend 2004 over the course of five services.

Rev. Russell's career is not, measured solely by explosive church growth, but by the many ways the church under his leadership has expanded to meet the needs of our community. The church reaches its community through ministries in counseling, disaster relief, and prison support, among others. The Southeast Outlook newspaper began publication in 1995. Rev. Russell can also be heard nationally on his syndicated radio program, The Living Word.

Throughout his career of four decades in ministry, Rev. Bob Russell has strived to follow his faith in God and live a life of service to the Louisville community. We as a city have been blessed to have Rev. Russell among us for so many years. His loyalty to God, his family, his church, and our city has not gone unnoticed. Mr. Speaker, I would like to express my gratitude for Rev. Russell and congratulate him on a lifetime in ministry and service that will continue to touch Louisville even after his retirement.

TRIPLE CROWN WINNER WHIRLAWAY AND THE ARMED SERVICES

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. McKEON. Mr. Speaker, I rise today to acknowledge the outstanding civilian support of our Armed Services that was embodied by the Triple Crown winning-horse, Whirlaway, during the beginning of World War II. As a direct result of the fundraising enabled by the popularity and talent of Whirlaway, many USO Clubs around the country were established. As a congressionally chartered, nonprofit organization, that support U.S. troops and their families wherever they serve, the USO has also recognized the contribution that Whirlaway aided in the early 1940s.

Whirlaway accomplished some impressive feats as a sports figure, including the still-unbroken record for the fastest furlong ever run in the Kentucky Derby. As a war hero, Whirlaway was an irreplaceable symbol of unity and mutual support between our civilian population and the men and women who serve our country.

As we remember the brave soldiers who have served our country in uniform this Memorial Day, we should also remember the inspiring stories of those civilians who have demonstrated extraordinary support in the past.

May God bless our men and women in uniform and all civilians who remember them on this Memorial Day.

TRIBUTE TO MINISINK HOOK & LADDER COMPANY #1 ON 100 YEARS OF SERVICE

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. KELLY. Mr. Speaker, volunteer service is vital in the basic framework of our nation. Without those sacrificing their time, energy, and efforts for the benefit of others we could not advance as a society.

It is in this notion of service that those in need are given opportunity. It is because of people who dedicate their life to helping others that our communities flourish and lives are changed.

The spirit of volunteerism is alive and well in thousands of communities with the dedicated service provided by volunteer firefighters. Their reward is not monetary, but is in the lives they change, people they save and those they protect day in and day out.

On June 10, 2006, the Minisink Hook & Ladder Company #1 will celebrate 100 years of courageous service to the people of Orange County, New York. On behalf of the people of the 19th Congressional District, in recognition of a century of service I proudly commemorate this momentous achievement. I congratulate and wish the Minisink Hook & Ladder Company continued success in serving the public and keeping people safe.

AMENDING TITLE 49, UNITED STATES CODE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. PAUL. Mr. Speaker, H.R. 5449 changes the rules under which the Federal Aviation Administration (FAA) negotiates with Federal employees unions, such as the National Air Traffic Controllers Association (NATCA), to make the FAA abide by the exact same process that other government agencies do when they negotiate with Federal employees unions. Contrary to the claims of its opponents, H.R. 5449 does not allow NATCA to indefinitely prolong negotiations. H.R. 5449 allows the FAA to act to end negotiations and bring their case before a Federal mediation board who has power to resolve the dispute. H.R. 5449 would prevent the FAA from unilaterally imposing a contract on the air traffic controllers. In contrast, the current system may provide the FAA with the opportunity to drag out negotiations, so it can ultimately declare an impasse and impose a contract. Thus, the changes made in H.R. 5449 seem reasonable.

Some people, including many House of Representatives members with whom I usually agree, are claiming that H.R. 5449 will cost American taxpayers billions of dollars. This claim is based on an assumption that the final result of the mediation process established by H.R. 5449 will be significantly more costly to the taxpayer then the contract the FAA will impose on the controllers if H.R. 5449 fails to pass. However, under H.R. 5449, the dispute will be resolved by a Federal mediation panel whose members are appointed by the president. I am skeptical that a presidentially appointed mediation board will give an exorbitant package to NATCA, especially since the difference between the FAA's current proposal and the NATCA's last offer is less than a billion dollars. It is true that a future mediation panel may be populated by people appointed by an administration more friendly to the air traffic controllers than the current administration, but it is also possible that a future Congress would use its leverage in the current process to force the FAA to accept contracts tilted in favor of the NATCA. We should not judge procedural issues based on uncertain predictions about results.

Some opponents of H.R. 5449 complain that the air traffic controllers are overpaid. However, since the air traffic control system is government controlled and government financed, the wages of air traffic controllers are not set by the market. Instead, these wages are set by political and bureaucratic fiat. Absent a market, it is imposable to say the air traffic controllers' wages are too high or too low. In fact, given the importance of air traffic control, it is possible that, in a free market, some air traffic controllers may have higher incomes than they do now. One thing I can say for sure is that air traffic controllers would still have their jobs if the Federal government were limited to its constitutional functions since air traffic controllers perform a function that would be necessary in a free market.

In conclusion, Mr. Speaker, H.R. 5449 reasonably changes the process under which the FAA negotiates with Federal employees unions. H.R. 5449 does not favor one party

over another, and, contrary to the claims of its opponents, H.R. 5449 does not preordain the conclusion of the negotiations between the FAA and NATCA.

MEMORIAL DAY SPEECH BY STAFF SERGEANT JOSEPH M. DIMOND

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to enter the following Memorial Day speech into the RECORD. It was made by Staff Sergeant Joseph M. Dimond. I am sure that you, and all who hear these words, will be moved by this unforgettable tribute to those who have fallen in the service of their country:

MEMORIAL DAY

Good morning and happy Memorial Day!

Memorial Day means many different things to many different people. To some it means BBQ's and beer, to some its just another long weekend to relax, to some it's the beginning of summer, but to people like me, and I'm guessing people like you since you are here, it means a lot more!

Since I was a boy, Memorial Day has always had a special meaning to me. I remember at 8 and 9 years old following my father, a Korean War Vet, around East Lansdowne and Upper Darby while he and his fellow American Legion brothers fired off 21 gun salutes at all the memorials. I would run around collecting all the shells from the rifles and save them as my own little memorial. Afterwards, we would put flags on the graves of all the Veterans in Fernwood Cemetary. I'm not even sure if I understood completely what we were honoring, I just knew it was very important! I knew, that for some reason, every time I heard TAPS or the National Anthem played, I would get teary eyed, but I don't think I ever really grasped the importance of it all.

Unfortunately, over the past year I had the chance to find out first hand what it all meant, why I would cry, why I felt the way I've been feeling for my entire life. I have experienced many difficult times in my life, but nothing could prepare me for the last year! You see, I was in charge of security for the bomb squad for the entire city of Fallujah. While over there, we dismantled 362 roadside bombs and, unfortunately, got hit by some too.

One of the many downfalls of being with the bomb squad in the most violent city in Iraq is that whenever an American or Iraqi soldier is killed by a roadside bomb or suicide bomber, we have to go and make sure all of the ordnance that is in the vehicles when they blow up are stabilized, and removed before the mortuary affairs people can come in and remove the bodies, so long story short, we were forced to work around the bodies of every ally killed by a bomb in Fallujah and the surrounding area. While doing this, my team had to remain calm, keep our heads and not get tied up in what we were seeing, because the bomb squad was a huge target, and I needed to do my best to keep them safe while they focused on their jobs. We were successful most of the time, but did have some bad luck too. Since October 15th, six of my very good friends were killed on the streets of Fallujah, five of which happened while I was there, all in separate incidents. One happened a week after I left Iraq, while my friend John was finishing his last week of a 9 month tour.

These men were all heroes! Whatever your politics, whether you believe we should be in this war or not, whether you are Republican or Democrat, we are all Americans! And I want to make sure you all know this: every single soldier, sailor, airman, and marine over there is there for you! They all feel they are doing what they have to do to make life better for you, our kids and me. I'm not a politician, and this isn't the time or place for politics, but the #1 question I've been asked in the past 2 months since I've been home is ''Do I think we should be there?'' Well, my answer to that is very simple, I don't know if we should have gone over there, but I, like these men we honor today, was asked to go so I went. I'm an enlisted man, and leave that to the people that sit behind their desks and make the big decisions. What I do know as a grunt on the ground, looking these people in the eye, day after day, is that I've never seen or imagined the hate, evil or torture that man is capable of until now! I also have no doubt that these people that I was fighting hate you, they hate all of us because we believe in a different God, they hate us because we allow our daughters and sisters to walk around malls in belly shirts, they hate us because we are different from them, they hate us because we are free!

In an America filled with violent movies, video games and violent everything else, we've all become a little desensitized. I can't tell you how many times I've been asked by naïve people, ''How many people have you killed?'' Like it is a cool thing or something. Only someone who hasn't seen or done the things I have would ask such a question with a smile on their face. And I try to be understanding of the fact that they haven't seen it, but at the same time I feel a responsibility to let them know that there is nothing cool about people losing their lives. Whether they are wrong or deserved it or not, there will be a family mourning, somewhere.

More importantly I feel the responsibility to explain to those people who may not know better, that regardless of what Hollywood may want you to believe, there is no glory in a twenty-something year old man dying violently in the dirt thousands of miles away from his home, away from family, and the people he loves. It is important to me that people recognize and understand how devastating it is when an American, a friend, dies in such a violent way. The hurt and grief one feels when witnessing a twenty-year-old kid, who you personally trained, die in a hellhole thousands of miles away from his home is indescribable! Promising to tell a man's unborn child that her daddy loved her while he bleeds to death because it is too dangerous for a helicopter to come into the city to medivac him is something no human being should have to ever experience. Listening to a friend ask as he is dying if you think God will forgive him for all the things he had to do over here is not glamorous in any way, shape or form.

But most importantly, I feel a responsibility to explain that these men that we honor today were not looking for Glory or medals or memorials! They were all just doing what they felt was right, they were men doing the job that nobody wants! Living in misery, so the people they love could live in happiness! Dying horrible deaths, so the ones they love can live on in peace! That is why they are heroes, and that is why they deserve our thoughts, time and respect at least for this one day of the year!

There is a saying in the war fighting community that says:

''We are the unwanted, doing the impossible, for the ungrateful.'' Well, now that I'm moving on to the civilian sector again, I'm here to say that not everyone is ungrateful my brothers!

I've seen enough bloodshed for twenty lifetimes! And I pray for peace just as every true warrior prays for peace!

For me, every day is Memorial Day, and it is because of men like these:

Mark Adams, killed by a roadside bomb at age 24, on October 15th 2005.

Joel Dameron, killed by a roadside bomb at age 27 on 30 Oct 2005, his wife has since had their baby girl.

Michael Presley, killed by a suicide bomber at age 21 on Dec 14th 2005.

Ryan McCurdey, killed at age 20 by a sniper while dragging a wounded Marine to safety on 5 Jan 2006.

Nick Wilson, killed at age 25 by a secondary bomb while dismantling another bomb on 12 Feb 2006. He had 4 days left in the country.

John Fry, killed at age 28 by a roadside bomb on 8 March 2006,8 days after I left the country, and 6 before he was leaving.

So, today, when you are barbequing or spending time relaxing with your family, please take a minute and remember these men who sacrificed so much, and remember their families who are living without husbands, fathers, sons and brothers. And if you see someone who doesn't take that time, remind them of all that is done for them!

I'm not much of a speaker, and I'm not sure if I did these men justice, but when I was asked to speak I felt like it was the least I could do to remind people that these men aren't just numbers to follow on the news, but men with families and lives that they gave up for you and me. I have no doubt that I will see these men's faces in my sleep every night, and think of them at least once a day for the rest of my life. I'm just asking you to take a moment out of one day a year to remember them and the many other Americans that died before them.

God Bless, and have a great Memorial Day!

KIRSTEN SHORTRIDGE—GATORADE NATIONAL GIRLS SOFTBALL PLAYER OF THE YEAR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Ms. Kirsten Shortridge for being selected as the 2006 Gatorade National Girls Softball Player of the Year.

Of the more than three-hundred and fifty-thousand student girl athletes across the country, only one person is chosen to receive this award. The honor, which also factors in academic achievements and overall character, has been awarded for 20 years to athletes in ten different sports.

Kirsten is batting .554 with two home runs, eight triples and twenty-five RBIs. In 181 innings she has pitched 365 strikeouts, 21 shutouts and eight no-hitters, including three perfect games.

She maintains a 3.5 grade point average, is a member of the Circle of Friends, and is a lunch buddy, library buddy, peer mentor, volunteers at Northwood Church with the Revive program, and also volunteers for Special Olympics.

I extend my sincere congratulations to Ms. Kirsten Shortridge for her efforts and for her success in softball and her academics. Her dedication and commitment serve as an inspiration to all.

IN RECOGNITION OF THE LIFE AND SERVICE OF MAYOR LORIN GRISET

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor the life of a great man.

Mr. Lorin Griset was a much-beloved mayor of Santa Ana, California. Elected in 1969, he presided over the city during a period of great transition and strove to promote tolerance and understanding between racial groups, despite the tensions of the time.

Lorin Griset's commitment to his fellow man was born out of his experiences as a young soldier. He served valiantly during World War II, and despite suffering great hardship as a POW in Poland, he returned home and dedicated his life to service.

Whether he was organizing an appearance by the Reverend Billy Graham at Anaheim Stadium or serving as a trustee of Biola University, he always remained true to his faith and values that defined his character.

Even after leaving politics, Mr. Griset remained dedicated to faith and public service, teaching Sunday school and serving as a deacon of Calvary Church. His lifelong dedication was recently been recognized by the Santa Ana Unified School District, which has decided to name a local school after him.

Lorin Griset has been an inspiration to the people he loved and served so well. He will truly be missed.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

SPEECH OF

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5521) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes:

Mr. HEFLEY. Mr. Chairman, I had intended to rise again today to offer an amendment to cut the level of funding in this appropriations bill by 1 percent but the committee rose before I could get here. This amount equals $30.3 million.

I have offered many amendments like this over the past several years. I understand the difficulty appropriators must have in narrowing down the requests from members and the administration for money, and I applaud them for bringing us a bill that reflects an amount that is less than that which the administration has requested for FY07.

However, this appropriations bill still reflects a budget increase of nearly $110 million over last year's Legislative Branch budget. I strongly believe that this appropriations bill, as well as the projected deficit for next year, is still much too large.

The Capitol Visitor's Center, which receives funding in this bill, is long past its deadline and has been grossly over budget. This is a prime example of our inability to effectively control spending, even on projects in our own backyard. It is projects such as this that have greatly contributed to our Nation's lack of trust in their government's ability to manage spending responsibly.

Fiscal responsibility should start in this chamber, and by voting for this amendment, you are stating for the record your belief that the budget deficit is much too large and that the American taxpayers should not be burdened in the future because we can not control our spending today.

ZARQAWI IS DEAD

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. STEARNS. Mr. Speaker, last night, at 6:15 p.m local time, our special operation forces, using Iraqi tips and intelligence, executed the most wanted terrorist in Iraq, Abu Musab al-Zarqawi.

Mary Anne Weaver, a reporter for Atlantic magazine, traveled to Zarqawi's hometown and spoke with the people who watched him grow up. ''Everyone that I spoke with readily acknowledged that as a teenager al-Zarqawi had been a bully and a thug, a bootlegger and a heavy drinker, and even, allegedly, a pimp in Zarqa's underworld. He was disruptive, constantly involved in brawls. When he was fifteen, . . . he participated in a robbery of a relative's home, during which the relative was killed.''

Moving from street thug with an arrest record for violence and imprisonment for sexual assault into a profession, Zarqawi obtained a job as a video-store clerk, from which he was quickly fired. After losing this job, he undertook his first of many trips into Afghanistan, where he found justification and an outlet for his violent nature through Islamic jihad. In 1994, Zarqawi was imprisoned for possession of grenades in the basement of his home. It was during his fifteen year imprisonment that he built his following, and after his release he commenced his litany of terror acts.

To see the most compelling evidence of this man's evil, look at the record of his actions.

Beginning in 2003:

October 28th, Lawrence Foley, United States diplomat and administrator of aid programs in Jordan, is gunned down outside his home; August 19th, top U.N. envoy Sergio Vieira de Mello and 23 others are killed in a truck bombing of the U.N. headquarters in Iraq;

And then in 2004:

March 2nd, He orders coordinated explosions at Shiite mosques in Karbala and Baghdad, killing 181 people; May 11th, Zarqawi beheads Nicholas Berg, a Pennsylvania engineer; June 22nd, South Korean hostage Kim Sun-il is beheaded; June 29th, Georgi Lazov, 30 years old, and Ivaylo Kepov, 32 years old, are kidnapped and beheaded; August 2nd, Murat Yuce of Turkey is executed on video; September 13th, Durmus Kumdereli is beheaded; September 14th, 47 Iraqis waiting in lines for jobs are killed by a Zarqawi car bomb attack; September 16th, Kenneth Bigley, Jack Hensley, and Eugene Armstrong are kidnapped and beheaded; September 30th, 35 children and seven adults are murdered by Zarqawi's bombs as U.S. soldiers hand out candy at the opening of a new sewage treatment plant in Baghdad; October 30th, Shosei Koda, 24 years old, is beheaded.

In 2005:

February 28th, 125 Iraqi National Guard recruits are murdered by a Zarqawi follower in a suicide attack; November 9th, Zarqawi coordinates three suicide bombings of hotels in Amman, Jordan, killing 60 people, including a wedding party.

Zarqawi received judgment for his actions last night, and his reign of terror and violence is over. Yet, while we are pleased that this man's murderous influence in Iraq is over, we must not view his death as a moment to rest in our efforts, or as a sign that our job in Iraq is finished. According to the article in Atlantic magazine this week, Mary Weaver's contact, a high level Jordanian intelligence official, ''If Zarqawi is captured or killed, the Iraq insurgency will go on.'' Mary Weaver also interviewed a man who had witnessed the fervor of support among a radical fringe in Iraq. ''He [a young boy] was from Saudi Arabia and had just turned thirteen. I noticed him in the crowd at a recruiting center near the Syrian- Iraqi frontier. People would come and register in the morning, then cross the border in the afternoon by bus. I first saw him at the registration desk. The recruiters refused to take him because he was so young, and he started to cry. I went back later in the day, and this same small guy had sneaked aboard the bus. When they discovered him, he started to shout 'Allahu Akhbar!'—'God is most great!' They carried, him off. He had $12,000 in his pocket—expense money his family had given him before he set off. 'Take it all,' he pleaded. 'Please, just let me do jihad.' ''

In this war on terror, unlike a traditional state to state war, we must accept that the death of a leader does not end the conflict. On the contrary, the death of such a high profile figure could provoke isolated terror cells to increase violent attacks. We may well see a rise in insurgent attacks in the coming weeks, and we must continue our intelligence efforts in the area to locate and put pressure on these cells, and support our military as they pursue and eliminate them. Persistent hearts will achieve this victory, and I encourage the American people to steel themselves for this continued battle with evil, and to support our military as they bring about a free and stable Iraq.

RECOGNIZING WILLIAM A. EAGAN UPON BEING NAMED SOUTHTOWNS ''DEMOCRAT OF THE YEAR''

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. HIGGINS. Mr. Speaker, I stand here today to recognize William ''Bill'' Eagan, who

is recognized as Western New York's Southtowns ''Democrat of the Year'' for his selfless dedication to his community and commitment to public service.

Bill was born and raised in the City of Lackawanna into a family that has deep roots in the Democratic Party. His father was the Democratic Chairman in Lackawanna for 16 years. Following in the traditions that his father established, Bill became an active member of the Democratic Party at a young age. Bill was involved in many elections and proudly participated in the Presidential Election of John F. Kennedy.

Bill and his wife Patty moved to the Town of Boston in 1982. Just three years later, Bill Eagan became a leader in the Democratic Party when Former Erie County Democratic Chairman Joseph Crangle recruited him to become Democratic Chairman in the Town of Boston. Bill proudly accepted this responsibility and effectively served in this capacity from 1985 to 1990 and again from 1994 to present. Under Mr. Eagan's leadership as Chairman, the Democratic enrollment in the Town of Boston has increased by over fifty percent since 1985.

In 2002, Mr. Eagan was elected Town of Boston Supervisor. During his first term he earned the trust and respect of the town residents and was re-elected to the position in 2005. Mr. Eagan is the first Democratic Supervisor to be elected in over 40 years and then re-elected to another term. Mr. Eagan's success is a testament to his tireless efforts on behalf of the community that he serves.

As Town of Boston's Supervisor, Democratic Chairman, and member of the Erie County Democratic Executive Committee, Mr. Eagan has set an example of leadership for his fellow Democrats to emulate. For the first time in 12 years, the Democratic Party holds the majority of the Boston Town Board. Additionally, Bill was instrumental in electing the first Town of Boston Democratic Highway Superintendent and two Councilmen.

Thank you Mr. Speaker, for this opportunity to recognize Bill Eagan, a man I am proud to have as a colleague in Western New York government, a friend and a public servant deserving of the title ''Democrat of the Year.''

TRIBUTE TO LAWRENCE P. FORD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. KILDEE. Mr. Speaker, today I would like to pay tribute to a man of monumental significance in my hometown of Flint Michigan, Lawrence P. Ford. Larry is retiring as the President of the Flint Area Chamber of Commerce after 30 years of service and will be feted at a dinner on June 16 in Grand Blan, Michigan.

When Larry Ford became the Chief Executive Officer of the Flint Area Chamber of Commerce the organization had 435 members. During his tenure the membership has grown to 1900. He was instrumental in starting several organizations entrusted with the advancement of business interests and economic growth in Genesee County. These organizations include the Women's Business Council, the Powerlink Program, the ATHENA Program, Business Education Council, Leadership Flint, Visitors and Convention Bureau, Economic Growth Alliance, Inventor's Council, Young Inventor's Program, the SCORE program, the Small Business Development Center, Katherine Stevens Foundation, the first business Trade Show, and the Business Awards Program including the C.S. Mott Citizen of the Year Award and the Mass Mutual Blue Chip A ward.

Interspersed with these activities, Larry guided the Chamber and business community to take action on significant events that occurred in the community over the past 30 years. Larry has been a true visionary for the mid-Michigan area. He has been at the forefront to develop partnerships between the business, government, education, labor, and consumer sectors of Flint and illuminating our common stake in our community's future development. Through his hard work the Flint area has made an in depth examination of its potential and scrutinized ways to build on its existing strengths. Among the many successes he has helped achieve over the years, the growth and modernization of Flint Bishop International Airport stand out.

The article written by Larry titled ''Don't just survive—thrive!'' appearing in the Winter 2004 Execlink, outlines a program for success as the President/CEO of a Chamber of Commerce. His advice includes learning from others, never coasting, always look for a way to accomplish the goal, do not believe your press clippings, and enjoy what you do. Larry Ford lives his own philosophy. His wisdom can be applied to life in general and is essential for anyone seeking to succeed.

Mr. Speaker, please join me in paying tribute to one of the giants of the Flint community. His influence and impact on my hometown is enormous. During the many years I have known Larry he is always civil, patient, analytical and incisive. I value his counsel, and his commitment to the people of Flint. As a lifelong resident and business leader, his insight has helped me over the years. I hope that he has as much joy from his retirement as he has had from his work and I wish him the best for the future.

TRIBUTE TO WEST SALEM HIGH SCHOOL STUDENTS

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. HOOLEY. Mr. Speaker, I rise today to recognize four students from West Salem High School in Salem, Oregon. These four students—Stefanie Gille, Amy Hafer, Tyler Klarr, and John Mai—won the Toshiba/National Science Teachers Association ExploraVision program, Grades 10–12 category. Their winning project, ''The Human Touch,'' is a prosthetic limb that integrates e-skin, skin-grafting techniques and nerve regeneration tubes to allow amputees to sense the world through artificial skin. Microprocessors translate texture, pressure, temperature, and vibration into sensations detected by the patient.

The inspiration for these students was Jim Henry, a special education teacher at West Salem who is an amputee. He challenged them to develop a design that would allow him and other amputees to regain the ability to feel objects with their prosthesis. With this as their focus, these students embarked on a yearlong research project that culminated with them being recognized by the ExploraVision program as having the best project in a nationwide competition.

ExploraVision is a competition for students in grades K–12 from the United States and Canada. The purpose of the competition is to encourage students to combine their imaginations with the tools of science to create and explore a vision of a future technology. Students work in groups, along with a team coach, and select a technology or an aspect of a technology that is relevant to their lives. They explore what the technology does, how it works, and how, when, and why it was invented. The students must then project into the future what the technology could be like 20 years from now. Examples of projects from this year's winners include boots that convert electrical energy to heat to keep feet warm in cold weather and an asthma sensor monitoring system.

Earlier this week in the Science Committee, we wrestled with how to get more students interested in math, science, engineering, and technology. These students and their fellow award winners suggest to me that the cause is not lost, that it is possible to get today's students to love math and science. Today's students are tomorrow's scientists, mathematicians, and engineers and with students like Stefanie, Amy, Tyler, and John, the United States will continue to lead the world in technology and innovation.

CONGRATULATING DR. ALLAN ALSON FOR HIS DISTINGUISHED RECORD OF SERVICE AS SUPERINTENDENT OF SCHOOL DISTRICT 202 IN EVANSTON, ILLINOIS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. SCHAKOWSKY. Mr. Speaker, on behalf of the people of the 9th Congressional District of Illinois, I am proud to pay tribute to Dr. Allan Alson upon his retirement as Superintendent of Evanston Township High School (ETHS). Over the past 16 years at ETHS, two as Assistant Superintendent for Curriculum and Instruction and 14 as Superintendent, Dr. Alson has served the Evanston community with honor and distinction.

Dr. Alson's vision, courage, and commitment to give each young person the gift of a quality education has helped make Evanston a more unified, respectful, and tolerant community. Under Dr. Alson's leadership, Evanston Township High School has advanced its reputation as one of the very best high schools in America. In addition to promoting academic success, Dr. Alson's long list of accomplishments also includes improvements in the arts, athletics and extracurricular programs.

Dr. Alson has helped unite community resources and build diverse partnerships to solve community problems and enhance the educational experience of ETHS students. During Dr. Alson's service, Evanston Township High School has forged partnerships with the city of Evanston, its business and health-

care communities, and Northwestern and National-Louis Universities. Examples of effective collaborations spearheaded by Dr. Alson's administration include an award-winning School Based Health Center, student workforce training, and an interagency consortium for youth advocacy.

Throughout his tenure as Superintendent of Evanston Township High School, Dr. Alson has made the achievement of students of color an essential goal. In 1999, Dr. Alson founded the Minority Student Achievement Network, a national consortium of 25 urban-suburban districts devoted to improving the academic achievement of students of color. Dr. Alson has helped foster a culture of excellence and a climate of high expectations for all students. While more work remains to be done, Evanston Township High School has seen the rate of college attendance for students of color rise from 65 percent to almost 80 percent.

Dr. Alson will long be remembered with gratitude for his tireless efforts to promote academic excellence and social justice. However, most importantly, he can look about the community and see a legacy made of the thousands of young people, parents, teachers, administrators and community members whose lives he has touched. It is a legacy for which he can be immensely proud.

In honor of his legacy of service, I offer Dr. Alson this United States flag as a symbol of appreciation, esteem and good wishes. This flag was flown over the United States Capitol building in Washington, DC in honor of an outstanding educator, advocate, true public servant, and my valued personal friend.

On behalf of the community to which he has given so much, I congratulate Dr. Alson and offer him my best wishes for many years of health, happiness, and continued success.

TRIBUTE TO KANSAS CITY, KANSAS, POLICE CHIEF RON MILLER

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise to pay tribute to Kansas City, Kansas, Police Chief Ron Miller, who recently announced his retirement after 34 years of service with the department, including the last six years as chief.

Throughout his tenure, Chief Miller has focused the police department's crime fighting efforts on—in his words—"guns, drugs and violent crime." Under his command, the department maintained its national accreditation with the Commission on Accreditation for Law Enforcement Agencies, where it first achieved that status in 1993 and was designated a flagship agency by them in 2004.

A Kansas City, Kansas, native who attended Central Missouri State University, Chief Miller focused his department's efforts on community policing and expanded community partnerships. As City Administrator, Dennis Hays said upon announcing Chief Miller's retirement, "Ron has been a great leader for the Police Department and the community has benefited from his knowledge and ability. Ron is a dedicated professional . . ."

As U.S. Representative for the Third Congressional District, I have had numerous opportunities to work closely with Chief Miller during his tenure and I wholeheartedly endorse Dennis Hays' tribute to him. Chief Ron Miller was a dedicated, professional, public servant who served his community with distinction. His presence in the Chief's office will be sorely missed in the months ahead, I am sure, but I join with all Kansas Citians in wishing him well in his richly-deserved retirement.

THE HOMESTATE HYDROELECTRIC PROJECT NUMBER 1 LEGISLATION

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. HERSETH. Mr. Speaker, I rise today to introduce legislation that will facilitate the timely and seamless transfer of the Homestake Hydroelectric Project Number 1 from the Barrick Gold Corporation to the City of Spearfish, South Dakota.

This hydroelectric facility, originally constructed to provide electricity for a gold mine in the Black Hills of South Dakota, has operated continuously since 1912. The mine recently closed and the city of Spearfish acquired the project with plans to operate it to both generate power and benefit downstream water users.

When the city acquired the project, the Federal Energy Regulatory Commission asserted jurisdiction, based on a finding that a pre-1920 federal right-of-way grant which authorized the occupancy of federal lands by the project, had expired. This project has been operating for more than 90 years under a 1909 right-of-way allowing the project to occupy U.S. Forest Service land in the Black Hills National Forest. The project had never previously been subject to FERC jurisdiction under the Federal Power Act and the U.S. Forest Service maintains that the right-of-way continues to be valid.

The legislation accomplishes three goals. First, the legislation strikes a balance between the various and important water uses of Spearfish Creek—agricultural irrigation use, power generation, recreation, aesthetic and to protect a unique and historic trout fishery.

Second, it authorizes the United States Geological Study to examine the hydrology of the watershed to ensure that future management of the stream is based on sound science.

Third, it enables the City of Spearfish, South Dakota, to assume operation of the facility without having to undertake the lengthy and complex federal hydroelectric licensing process operated by the Federal Energy Regulatory Commission,

This legislation would enable the facility to continue operating as it has since its construction. It also recognizes that the City of Spearfish and the State of South Dakota are well equipped—as they have been for the past century—to appropriately manage the flows of Spearfish Creek.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained on June 6 and June 7 and as a result I missed rollcall votes Nos. 223, 224, 225, 226, 227, 228, 229 and 230. Had I been present, I would have voted "aye" on rollcall votes Nos. 226 and 229, and "nay" on rollcall votes Nos. 223, 224, 225, 227, 228, and 230.

A CALL FOR SHARED SACRIFICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD, an op-ed piece, entitled Consider the Living, published May 29, 2006 by Bob Herbert of the New York Times. Herbert eloquently points out the hypocrisy of the Bush administration on the issue of the war in Iraq. Herbert declares that the fastest way to end this war is to "start sending the children of the well-to-do to Baghdad, and start raising taxes to pay of the many hundreds of billions that the war is costing." The claim that chaos would ensue if we pull out of Iraq is just an excuse to continue the reckless actions of the current administration. Recalling President Bush's challenge to the insurgents to "bring 'em on," Herbert counters that we have lost nearly 2,500 Americans in the war and tens of thousands of Iraqis, and they are still "bringing 'em on." The ones suffering the most in the war are the non-combatants, Iraqi residents who are "like sheep in a slaughter farm." Even after three years parts of Western Iraq are not under U.S. control. Is this what we are to looking forward to? Is the next three years going to cost us 2,500 more American lives as well as billions more of taxpayers money? Not to mention that casualties on the Iraqi side and the atrocities that are byproducts of war.

My colleagues, I join Mr. Herbert in urging you to take decisive measures to bring a swift end to this fiasco. Let us stop this needless waste of lives.

[From the New York Times, May 29, 2006]

CONSIDER THE LIVING

(By Bob Herbert)

Pretty soon this war in Iraq will have lasted as long as our involvement in World War II, with absolutely no evidence of any sort of conclusion in sight.

The point of Memorial Day is to honor the service and the sacrifice of those who have given their lives in the nation's wars. But I suggest that we take a little time today to consider the living.

Look around and ask yourself if you believe that stability or democracy in Iraq—or whatever goal you choose to assert as the reason for this war—is worth the life of your son or your daughter, or your husband or your wife, or the co-worker who rides to the office with you in the morning, or your friendly neighbor next door.

Before you gather up the hot dogs and head out to the barbecue this afternoon, look in a mirror and ask yourself honestly if Iraq is something you would be willing to die for.

There is no shortage of weaselly politicians and misguided commentators ready to tell us that we can't leave Iraq—we just can't. Chaos will ensue. Maybe even a civil war. But what they really mean is that we can't leave as long as the war can continue to be fought by other people's children, and as long as we can continue to put this George W. Bush-inspired madness on a credit card.

Start sending the children of the well-to-do to Baghdad, and start raising taxes to payoff the many hundreds of billions that the war is costing, and watch how quickly this tragic fiasco is brought to an end.

At an embarrassing press conference last week, President Bush and Prime Minister Tony Blair of Britain looked for all the world like a couple of hapless schoolboys

who, while playing with fire, had set off a conflagration that is still raging out of control. Their recklessness has so far cost the lives of nearly 2,500 Americans and tens of thousands of innocent Iraqis, many of them children.

Among the regrets voiced by the president at the press conference was his absurd challenge to the insurgents in 2003 to ''bring 'em on.'' But Mr. Bush gave no hint as to when the madness might end.

How many more healthy young people will we shovel into the fires of Iraq before finally deciding it's time to stop?

How many dead are enough?

There is no good news coming out of Iraq. Sabrina Tavernise of The Times recently wrote: ''In the latest indication of the crushing hardships weighing on the lives of Iraqis, increasing portions of the middle class seem to be doing everything they can to leave the country.''

The middle class is all but panicked at the inability of the Iraqi government or American forces to quell the relentless violence. Ms. Tavernise quoted a businessman who is planning to move to Jordan: ''We're like sheep at a slaughter farm.''

Iraqis continue to be terrorized by kidnappers, roving death squads and, in a term perhaps coined by Mr. Bush, ''suiciders.''

The American ambassador, Zalmay Khalilzad, acknowledged last week that even at this late date, there are parts of western Iraq that are not controlled by American forces, but rather ''are under the control of terrorists and insurgents.''

Now we get word that U.S. marines may have murdered two dozen Iraqis in cold blood last November.

No one should be surprised that such an atrocity could occur. That's what happens in war. The killing gets out of control, which is yet another reason why it's important to have mature leaders who will do everything possible to avoid war, rather than cavalierly sending the young and the healthy off to combat as if it were no more serious an enterprise than a big-time sporting event.

Nothing new came out of the Bush-Blair press conference. After more than three years these two men are as clueless as ever about what to do in Iraq. Are we doomed to follow the same pointless script for the next three years? And for three years after that?

Leadership does not get more pathetic than this. Once there was F.D.R. and Churchill. Now there's Bush and Blair.

Reacting to the allegations about the murder of civilians, the commandant of the Marine Corps, Gen. Michael Hagee, went to Iraq last week to warn his troops about the danger of becoming ''indifferent to the loss of a human life.''

Somehow that message needs to be conveyed to the top leaders of this country, and to the public at large. There is no better day than Memorial Day to reflect on it. As we remember the dead, we should consider the living, and stop sending people by the thousands to pointless, unnecessary deaths.

SUPPORT FOR THE 1ST ANNUAL NATIONAL WOMEN'S CONFIDENCE DAY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. BORDALLO. Mr. Speaker, I rise today in support of the 1st Annual National Women's Confidence Day. I join the Young Women's Christian Association (YWCA) in their effort to raise awareness for and development of confidence in the personal and professional lives of women everywhere. Supporting the development and improvement of women not only in this country but around the world is of critical importance. Establishing and celebrating the 1st Annual National Women's Confidence Day has gone far to achieve this objective.

The impacts that women make in our workplaces, in our communities, and in our homes are many and commendable. The influence of women today is at a highpoint in history. Women serve in leadership roles in private sector businesses, in government, in the field of education, in the arts and sciences, and in virtually every sector of our society.

Eighty-two females proudly and ably serve as Member of Congress in the 109th Congress. I, and my female colleagues, know firsthand not only the barriers to overcome and the rigors to endure, but also the satisfaction of achieving the personal and professional goals that we have set for ourselves. Having the confidence to meet these challenges and best them makes the rewards of doing so that much more enjoyable. Having the confidence in yourself to set ambitious goals, to work towards them, and to attain them is crucial to success in both personal and professional aspects of one's life.

The 1st Annual National Women's Confidence Day will carry the message that self-confidence and self-esteem in women—old and young—are important tools not only for success in the workplace but also for living healthy, happy, and meaningful lives.

It is my pleasure to support the YWCA in promoting the far-reaching objectives of this program. Their work will improve the lives of women and girls in the United States. I commend them for their leadership on this issue.

CELEBRATING THE 50TH BIRTHDAY OF DR. TIMOTHY G. BAKER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. COSTA. Mr. Speaker, I rise today to celebrate Dr. Timothy G. Baker of Fresno, California on the occasion of his 50th birthday.

Dr. Baker has been a committed political advocate and a valued member of our community for as long as many of us can remember; it is for these reasons we honor him for his accomplishment and his character.

An advocate even in grade-school, Dr. Baker's interest in politics began long ago when he ran for President and Vice President of his class while attending Tenaya Junior High School and Bullard High School in Fresno. While his legislative agenda has progressed from leading student council meetings in grade school to managing key components of state political campaigns in his professional life, Tim Baker's energy never waned in community fundraising efforts to improve the quality of life for citizens in our Valley.

After graduation from high school in 1973, he continued his education at California State University, Fresno where he pursued a Bachelor's of Arts in Zoology. It was during this time that Dr. Baker became drawn to California State politics. He was involved in the campaign for Senator George Zenovich, now retired from the California State Legislature. Having acquired the taste for political campaigns, Tim became a valued asset in Congressman Rick Lehman's first California State Assembly campaign and my own first campaign for the California State Assembly.

The community has truly benefited from Dr. Baker's hard work and distinctive character. He eventually earned his Doctorates of Dental Surgery from the University of Pacific in 1982 and went on to serve as a resident in general practice dentistry at Valley Medical Center. Dr. Baker continues to practice dentistry in Fresno and also serves as the 6 County Dental Education Director for the University of California in San Francisco, headquartered in Fresno. In honor of his hard work and commitment to the community, Dr. Baker was awarded the University of California, San Francisco Outstanding Achievement Award.

Dr. Baker is a shining example of what it means to constantly strive for perfection. He is a political consultant, a practicing dentist and a valued member of our community. On behalf of all who know him, I would like to thank Dr. Tim Baker for his many contributions to our community and wish him continued success.

HONORING CHARLOTTE MARIE PETERSON QUANN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a great civic and community advocate, Charlotte Marie Peterson Quann, who died on May 17, 2006. I join my constituents in honoring her lifetime of service to San Francisco's most vulnerable and in recognizing her leadership as one of the earliest African American professional women.

Charlotte called many places her home, but she devoted more than three decades of her life to improving the lives of those less fortunate in the San Francisco Bay Area. She served as the Chair of the Board for La Casa de Las Madres, an emergency shelter for battered women and their children, and as Chair of the Glide Church Board of Trustees in the Tenderloin neighborhood of San Francisco. At Glide she ministered to the poor and infirm and took special delight in the children's programs. Charlotte was an active participant in the Cal-Nevada United Methodist conference Board of Higher Education and Campus Ministry. When she died at age 72, she was the Chair of the Board of Center Point drug treatment programs and of the Mary Elizabeth Inn, a shelter for women in transition.

Charlotte began her leadership activities early in life. In high school she joined numerous clubs where she ran for office. She graduated from the Detroit Public School System and graduated from Northwestern High School at age 16. She was active in the Urban League, YMCA speech and debate, and her photo is in Northwestern's Hall of fame. At age 16 she went to the U.S. Capitol and served as one of the first and youngest female Congressional pages. Her father, at whose side she learned, organizing Detroit's factory workers, inspired her political activism.

In 1959, Charlotte became the first African American to work for Capital Airlines (the

predecessor of United Airlines). She held many positions there and also served as President, Vice President, and Secretary of the United Airlines Black Professional Organization.

Charlotte will be missed by all who cherished her warm smile and infectious humor and who were touched by her selfless leadership and advocacy. I extend my deepest sympathy to her sons, Steven and Warren, her daughter Carla, her grandson, Carl, her granddaughters Catherine, Sade, and Iman, her sisters Gloria Patton, Scheryl Peterson, and Gail Peterson, her brothers Willie Jr. and George Peterson, sisters-in-law and many nieces and nephews. Thank you for sharing Charlotte with us; her life was a gift to us all.

ECONOMIC DEVELOPMENT AND GLOBALIZATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to address the issue of third world debt relief for the RECORD. In the article, Can Developing Countries Be Financial Saviors of Rich Nations?, published in Volume XXIV No. 1230 (May 24–30, 2006) issue of The New York CaribNews, Mr. Tony Best cites Dr. Jeremy Siegel, a professor of the Wharton School of Business. Addressing the possibility that the baby boomers' selling their savings stocks and bonds would lead to a weakening of the assets of the rich nations, Dr. Siegel claims that the best solution is to allow investors from developing countries to buy up these excess stocks to maintain the market prices. Mr. Best asserts that some of "the highest growth rates in dollar terms in market capitalization was in the emerging markets" of Macedonia, West Bank and Gaza, Fiji, Nigeria, Jamaica, Botswana, Trinidad and Tobago, India, Kenya, Bermuda and Tanzania. As Mr. Best claims, if the global market is integrated so that "the selling of assets from the old in the rich world to the young in the developing world is no more difficult than today's sales of assets by elderly folks" America's trade deficits in the developing world would not be a cause for concern. The increasing investments in America from the growing markets would be balanced by the existing trade deficits and debts owed by the developing countries to the U.S.

[From the New York CaribNews, May 24, 2006]

CAN DEVELOPING COUNTRIES BE FINANCIAL SAVIORS OF RICH NATIONS?

(By Tony Best)

It may not be a case of reverse Robin Hood, meaning stealing from the poor and giving it to the rich. But investors and stock markets in relatively poor nations of the Caribbean and Africa may in the long run be the next financial saviors of future prosperity in the world's wealthiest nations. Add Asia, Latin America and the Middle East to that list and the prospects would become clear, very clear.

So, while people in G–8 nations and their affluent neighbors may not steal from such developing and relatively poor nations as Jamaica, Thailand, Trinidad and Tobago, Barbados, Uzbekistan, Nigeria, Botswana, Pakistan, Swaziland, Bermuda, Jordan and at least 40 other emerging markets, some economists in the U.S., Britain and elsewhere in the developed world are offering a bit of advice: keep your eyes on these economies because they are poised to help make up the shortfall of buyers of assets in the rich world. One such economist is Dr. Jeremy Siegel, a professor at the prestigious Wharton School of Business in the U.S. He believes that with many baby boomers in North America and Europe, persons born between 1946–64, getting ready or planning their retirement, they may sell off their stocks and bonds in large quantities to finance their retirement and that in turn can create a huge gap in the assets of rich nations.

"The sale of these assets will lead to a sharp fall in prices, because there are too few people in the smaller generations that followed the boomers to buy all of those assets at today's prices," stated The Economist as it explained Siegel's theory.

The upshot: unless the baby-boomers delay their retirement, they could "see their standard of living in retirement halved, relative to their final year of work," the Economist added. Siegel warns a huge sell-off of stocks and bonds by the baby-boomers can trigger a 40–50 percent fall in stock prices with a smaller pool of investors coming along in the rich countries to take up the financial slack. That's where the developing countries may come in, goes the argument. Some figures tell an interesting story.

Although the top 10 stock markets in terms of capitalization are in the U.S., Japan, U.K., France, Germany, Canada, Spain, Switzerland, Hong Kong and China in that order, some of the highest growth rates in market capitalization in dollar terms between 1983–2003 were in emerging markets. Macedonia, West Bank and Gaza, Fiji, Nigeria, Jamaica, Botswana, Trinidad and Tobago, India, Kenya, Bermuda and Tanzania are on that list. For instance, Fiji's growth was put at 760 percent; Jamaica's 297 percent; Trinidad and Tobago's 170 percent and Bermuda 92 percent.

When it came to the highest growth in value traded between 1998–2003, Zimbabwe, Jordan, Jamaica, Israel, Trinidad and Tobago, United Arab Emirates, Barbados, Malaysia, South Africa, and Sri Lanka were listed among the 44 nations with the best performance. For instance while Zimbabwe had growth of 623 percent; Jamaica 507 percent, Trinidad and Tobago 128 percent; Barbados, 121 percent; and South Africa 76 percent, Germany's pace of expansion was 51 percent and Canada's 42 percent.

Of course, it would take decades before those countries have the financial power to fill the financial gap but then who would have predicted in 1980 that China, India and Dubai would have become such economic giants as to drive fear in the hearts of protectionist lawmakers on Capitol Hill in Washington who worry about their ability to buy U.S. companies. Dr. Siegel is writing a new book called, "The Global Solution," and in it he is insisting that by the middle of the 21st century most multinational companies must find new investors outside of North America, Europe and Japan.

"The challenge is to integrate global markets so that selling assets from the old in the rich world to the young in developing countries is no harder, no more unusual, than today's sales of assets by elderly folks," stated The Economist. "From this perspective, America's external deficits, particularly with some developing countries may be both long-lasting and nothing to worry about." It goes without saying that investors in developing countries shouldn't forget that protectionist tendencies in the rich nations are alive and well and can retard growth.

INTRODUCTION OF THE DISTRICT OF COLUMBIA NATIONAL GUARD RETENTION AND COLLEGE ACCESS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Ms. NORTON. Mr. Speaker, today I introduce the District of Columbia National Guard Retention and College Access Act, a bill to authorize funding for the College Access program, which provides grants for secondary education tuition to the members of the D.C. National Guard. This bill is the eighth in the "Free and Equal D.C." series of bills to remedy obsolete or inappropriate intervention into the local affairs of the District of Columbia or denials of federal benefits or recognition routinely granted to other jurisdictions. I decided on this bill to authorize an education incentive program after meeting with Major General David Wherley, the Commanding General of the D.C. National Guard (DCNG), who suggested that education grants would be useful in stemming the troublesome loss of members of the DCNG to Guard units in surrounding states that offer such benefits. I am grateful that last Congress, Representative David Hobson understood the importance of educational benefits in retaining appropriate D.C. National Guard levels in our nation's capital and was instrumental in getting a D.C. National Guard educational grant program included in the House version of the Defense Authorization bill. Unfortunately, the program was dropped in conference.

However, this bill is necessary now more than before because the D.C. National Guard has been experiencing a disproportionate decline in force as compared to the Guards of neighboring jurisdictions, particularly Maryland and Virginia. For example, although National Guards throughout the United States have had difficulty maintaining and increasing their numbers, the decline of the D.C. National Guard has been precipitous. Since 1994, even before the war on terror, statistics show that the D.C. Army Guard has declined 34 percent, as compared to a 26 percent decline for Maryland and Virginia's 16 percent decline. Between 2002 and 2005, the D.C. Air Guard experienced a 6 percent decline, as compared to Maryland's 5 percent decline and Virginia's 2 percent increase.

The declining D.C. National Guard enrollment is especially serious given the unique mission of the D.C. National Guard to protect the federal presence. This responsibility distinguishes the D.C. National Guard from any other National Guard. The D.C. National Guard is specially and specifically trained to meet its unique mission.

The D.C. National Guard, a federal instrument, is losing personnel to other guards because it is not able to offer the same level of benefits that adjacent National Guards provide. The DCNG is severely under-competing for members from the pool of regional residents, who find membership in the MD and VA Guards much more attractive. A competitive tuition assistance program for the D.C. National Guard will provide significant incentive and leverage to help counteract declining enrollment and level the field of competition.

The small education incentives in my bill would not only encourage high quality recruits;

this benefit would have the important benefit of helping the DCNG to maintain the force necessary to protect federal presence, including Members of Congress, the Supreme Court, and visitors if an attack on the Nation's capital should occur. I am pleased to introduce this bill on advice of Guard personnel who know best what is necessary.

I urge my colleagues to support this bill.

HONORING THE RETIREMENT OF SUPERINTENDENT SUSAN BACKMAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to Mrs. Susan Backman on the occasion of her retirement as Superintendent of Schools for Dearborn Heights District #7. She has served the community and its students with distinction for more than 30 years.

Mrs. Backman graduated from Western Michigan University in 1971 with a degree in home economics and distributive education. In 1979, she earned her Master of Education degree from Wayne State University. She then earned advanced certification as an education specialist and completed post-graduate credits at Wayne State University in 1988 and 1992 respectively.

In 1971, Mrs. Backman began her career as a teacher in District #7, a job she would keep for the next 13 years. In 1986, she became the Special Education Supervisor, and she earned the position of Director of Student Services in 1994. She then served as Interim Superintendent from 1996 until 1997, when she was hired as Superintendent of Schools. Since that time, Mrs. Backman has worked tirelessly to provide all that she can for the students and staff of District #7.

There is no question that Mrs. Backman's nine years as Superintendent greatly benefited the students of Dearborn Heights. She spent countless hours fostering better relationships with the staff, the community and the Board of Education. Mrs. Backman led a dedicated team of administrators and facilitated the passage of many ballot initiatives to secure additional resources. Furthermore, she oversaw the dramatic reversal of the District's finances from budget deficits and mismanagement to one of growth and responsibility. Throughout her career, Mrs. Backman has been an innovator and a pioneer in researching and implementing the new policies, procedures and programs that have helped District #7 succeed and excel. Mrs. Backman's 2005 nomination for National Superintendent of the Year reflects her undying efforts as an advocate for public education.

Susan Backman's retirement is a bittersweet moment for District #7, and I would ask that my colleagues rise and join me in wishing her the very best of luck, health and happiness in the future. I join the community in thanking her for her dedicated service to the students of Dearborn Heights over the last 35 years. While her leadership and guidance will be missed, her work and achievements will not be forgotten.

CIVIL RIGHTS, IMMIGRANT RIGHTS, AND SOCIAL JUSTICE: A UNIFIED MOVEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD, an editorial, entitled From Civil Rights to Immigrant Rights, published in the May 16, 2006 edition of the New York Carib News, by Basil Wilson on the CaribOpinion page. Mr. Wilson raises some pertinent issues and questions about the highly polarized immigration debate. The Republican immigration bill wants to criminalize illegal immigrants and individuals and organizations that support them. Claiming that illegal immigrants are a costly burden on legitimate taxpayers, legislation is being discussed to deny medical services to undocumented workers. Fearing that ''Latinization of America'' is a threat to American values, the conservatives plan to militarize the southwestern border but policing 1,900 miles border is very difficult, not to mention costly.

The shocking revelation is that this anti-immigrant sentiment is not only backed by economic concerns but also by academic ideology. Samuel P. Huntington and the like are ''for immigration provided the dominant culture of white Protestantism is preserved.'' Recalling the Know Nothing Party of the 1840's whose goal was to expunge the ''foreign and unassimilatable Irish Catholics,'' Mr. Wilson deplores the generalization of the supremacists that Mexican immigrants are unwilling to be integrated into American society. Even if that were the case, the history of Black America proves that assimilation alone is not the answer. The civil rights movement abolished the institutionalized segregation but racism has not disappeared from America. More importantly the power relation with white America has not changed. ''The black commitment to integration did not ease the white backlash and the immigrant assimilation will not mitigate the resistance to the browning of America.'' The struggle of today's immigrants is about first class citizenship. The 11.5 million immigrant workers who are an integral part of the American society deserve their rightful place.

I join Mr. Wilson in urging that the movements for civil rights, immigrant rights and social justice should join forces to free America from the grip of its historical racism.

[From the New York CaribNews, May 16, 2006]

FROM CIVIL RIGHTS TO IMMIGRANT RIGHTS

(By Basil Wilson)

The mass demonstrations on May 1, 2006, dramatized the rights of immigrants and their capacity to mobilize on the part of Hispanic Americans. Mass numbers took to the streets in New York, Chicago, Los Angeles, Phoenix, etc. The mass mobilization has unsurprisingly triggered a white backlash from segments of white civil society who were opposed to any form of legalization of undocumented workers. Like the civil rights movement of the 1960s, the immigrant rights movement that has been launched in 2006, seeks legislation in Congress to redress their grievances.

Paradoxically, it was the proposed bill passed in the House of Representatives on December 17, 2005 which precipitated the immigrant rights movement. The Republican Bill sought to criminalize visitors staying beyond their stay or crossing the borders illegally. The proposed legislation seeks to criminalize individuals and organizations that provide support for illegal immigrants. This extreme legislation reveal the high state of polarization in the country regarding what is to be done with 11.5 million illegal immigrants who take part in the day to day life of American society. The immigration debate like the civil rights debate evokes deep emotions among white Americans who view the Latinization of America as constituting a threat to Protestant hegemony.

Republican conservatives have somewhat sanitized their position since immigrants have taken to the streets. Representatives in the House like Tancredo and Sensenbrenner insist that they are for legal immigration but vehemently oppose amnesty as that would undermine the rule of law in the country. The salient issue for the conservative wing of the Republican Party is the sealing of the borders. Since the 1996 immigration legislation, the United States Congress has allocated billions of dollars to protect the 1,900 mile border between Mexico and America. The Immigration and Custom Enforcement division under the rubric of Homeland Security has been using state of the art technology, helicopters, and increased patrols to stem the tidal wave of immigrants streaming across the unsealed border. There is strong sentiment among conservatives to build a wall and to militarize the border to thwart illegal aliens from crossing the southwest border. The truth of the matter is that the policing of 1,900 mile border is a trying task. That situation becomes even more challenging when so many Mexican and Central American workers find themselves succumbing to an increasingly immiserated state.

Republican conservatives make the case that illegal immigrants are a costly burden on the backs of legitimate taxpayers. The accusation is that illegal aliens are overcrowding the public school system and clogging the emergency wards of hospitals. There is even legislation underway in the House of Representatives to prevent hospitals from providing emerging service to undocumented workers.

The level of polarization is not driven just by economics. Economics provide a respectable cover for the debate. The recent study authored by the Harvard scholar, Samuel Huntington, Who Are We? The Challenge to America's National Identity unmasks the true roots of the national hysteria. Huntington in 1996 wrote. For the Harvard scholar, the new danger was the clash of civilization between Islam and the West. Those fault lines were particularly volcanic and the war in the Middle East is manifestation of that collision between Islamic civilization and the encroaching military arm of western civilization. The Huntingtons of the world are preoccupied with the preserving of American military hegemony and the only way that the hegemony can be sustained is for America to pursue policies aimed at the subjugation of peoples committed to the post-colonial principle of self-determination.

Huntington's point of departure vis-à-vis migration is identical to his position on world civilization. He is for immigration provided the dominant culture of white protestantism is preserved. Huntington's position is that the volume and cultural distinctiveness of the new immigration poses a threat to American civilization. His wrath is aimed not just at immigrants but Mexican immigrants in particular. In his view, the former epochs of mass migration were unthreatening because the Irish wave of the

1840s and the Southern Europe phase of 1890–1920s were assimilatable unlike the present wave of Mexicans.

The previous immigrant waves generated the same histrionics. In the 1840s, the Know Nothing Party was created to purge the country of the foreign ad unassimilatable Irish Catholics. White Anglo-Saxon Protestants argued that Italians and Jews were not assimilatable. Italians and Jews were not seen as white and were not given that status until after Hitler's genocide in World War II.

Huntington sees the Mexicans as constituting a threat to values that made America great—the values of hard work, love of family, and a unitary cultural system. According to Huntington's weltanschauung, the concentration of Mexicans in the southwest constitutes a threat to American loyalty. He perceives that the loyalty to Mexico, the difference in culture, the language clash will invariably lead to two Americas. He throws data into the mix and argues that Mexicans have not shown a propensity to learn the language or a willingness to show loyalty to America. In the 2004 Presidential election, a majority of the Hispanic community supported the war in Iraq. In contrast blacks overwhelmingly opposed the war.

The response to the mass mobilization on the part of the Hispanic community on May 1, 2006 and previous demonstrations reflects the deep asundering in the American society. The detractors have been critical of Mexican or other foreign flags. The singing of the national anthem in Spanish sparked vehement emotions and brought to the fore issues of patriotism and dual loyalties.

White America likes to be flattered. Martin Luther King and the civil rights leadership understood the importance of flattery to persuade a majority of Americans to the correctness of toppling Jim Crow. Black people sought to be assimilated into America. The civil rights movement was about building an integrated society consolidating the cultural system. The immigrant movement is about Mexicans and others taking their rightful position in American society. Immigrants have taken great risk to enter America's borders to become American. One sees the magnetic force of American culture and by the second generation of immigrants, they become indistinguishable from indigenous Americans.

The black commitment to integration did not ease the white backlash and the immigrants to assimilation will not mitigate the resistance to the browning of America. There is a convergence of the civil rights movement, the immigrant rights movement and the movement for social justice. Although the civil rights movement accomplished the abolition of de jure segregation with the passage of the Civil Rights Bill in 1964, the Voting Rights Act in 1965, the Housing Rights Act of 1968 and the Immigration Legislation of 1965, institutionalized racism has not disappeared.

Racism persists but in a less truculent form. In the post civil rights era, the black community finds itself in a far more variegated state. There has been some expansion in the ranks of the black middle class. The working class has become more precarious and even though there is a reduction in poverty, there has been a sharp rise in the ranks of the incarcerated. Nonetheless, there has been no change in the power relationships with white America. Power is far from being variegated.

There is increased black representation in politics but the black community finds itself still in a state of powerlessness. Black people are not catching hell in America because of the massive influx of legal and illegal immigrants. There are sectors of the economy where illegal immigrants occupy niches such as in construction that black workers could fill that void. There are black spokespersons who see illegal immigrants as the reason why black men are being left behind.

The immigrant struggle is synonymous with the black struggle. The struggle of the immigrants is about first class citizenship. In American society, like so many other societies, there is a need to have someone beneath to stomp on perennially. That is what whites sought to do with blacks from the genesis of the society until now. That is what poor whites relished in the Jim Crow years and continue to sustain that asymmetrical relationship. If black labor is degraded, then all labor is degraded. The immigrant movement is about worker's rights and the recognition that illegal workers who have been for decades are entitled to emancipation from deportation, to live in human dignity. That is a condition that black people and all people of color in American society can identify. The caricaturizing of Mexicans is no different from age-old dehumanization of black people. Huntington and others of his ilk are oblivious to their supremacist worldview which is so entangled with America's view of military hegemony.

This other worldview is possible but the possibility for this other world is enhanced if white supremacy on the national stage and on the world stage is obliterated. It will only come about when America recognizes the pluralistic state of the world and that America's role is not about the building of walls or engaging in inhumane forms of mass deportation. America has had to adapt to the millions of Africans who came ashore beginning in 1619 and now constitute an integral part of America's multi-racial society.

The 12 million immigrants must become an integral part of America. The change in status from their undocumented precarious position will enable them to have access to higher education and social programs to improve the conditions of their existence. America is split down the middle on the rights of immigrants. This is a difficult time for America. It is confused about its role in the world. Frederick Douglass, the great abolitionist recognized that no entity gives up power willingly. The significance of the black and brown movement is the capacity to forge links with the other America to force America from the trappings of white supremacy. The test of the immigrant movement will be its staying power. The battle for immigrant rights has only just begun.

SUPPORTING NATIONAL TOURISM WEEK

SPEECH OF

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H. Res. 729, Supporting National Tourism Week. National Tourism Week, established by Congress in 1983, celebrates tourism to our country, the hospitality of the American people, and the hard work done by the many Americans who are involved directly and indirectly in the tourism and hospitality industry. This resolution highlights some of the major economic contributions that tourism from domestic and international visitors has upon the U.S. economy, at the Federal, State and local levels.

To quantify the U.S. tourism industry as one industry is challenging. In fact, the tourism industry in the U.S. is a conglomeration of many different industries, the leadership of many individuals at the national, State and local levels, and the myriad dreams and interests of all those who come to enjoy America's vacation spots, its natural wonders, and its historical areas of interest. The strength of the U.S. tourism industry is in its diversity and the diversity of the visitors it hosts.

Tourism is vitally important to Guam. The Guam Visitors Bureau, led by Chairman David B. Tydingco, Vice Chairman Bruce Kloppenburg, General Manager Gerald S.A. Perez, Deputy General Manager Mary C. Torres, and its board members and other officers, continues its excellent work toward increasing the numbers of visitors to Guam. The Guam Hotel and Restaurant Association, led by President David B. Tydingco, Chairman of the Board of Directors Bartly Jackson, and members of the board of directors, continue to ensure that the visitors to Guam receive a world-class level of hospitality, service, and entertainment during their stay on-island. The Guam Chamber of Commerce, under the able leadership of Chairman Michael T. Benito and President Eloise Baza, remains as the lead organization promoting the economic benefits of tourism to Guam and the general economic development of the island through the growth and diversification of Guam's private sector.

The vibrant, capable, and professional tourism industry in the United States provides individuals, families, and groups the ability to see, to experience, and to become a part of the many wonderful tourist attractions located across the United States. In doing so, the U.S. tourism industry facilitates greater understanding of, respect for, and identification with American history, culture and society by both Americans and guests from foreign countries. National Tourism Week is the celebration of the effort to foster better relations between communities within the U.S. and around the world while growing, diversifying, and strengthening the U.S. economy by promoting travel and tourism to the United States.

DESIGNATING JULY AS SMART IRRIGATION MONTH

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. COSTA. Mr. Speaker, I rise today to join with the Irrigation Association in designating July as Smart Irrigation Month.

Since 1949, the Irrigation Association has been charged with and has been successful in leading the advancement of water-use efficiencies to create smarter solutions for agricultural, residential and commercial landscape irrigation. The Irrigation Association is dedicated to developing the irrigation industry and effectively utilizing our most vital resource.

With such charge in mind, the Irrigation Association has named July Smart Irrigation Month to raise awareness about the importance of using efficient watering practices, technologically advanced irrigation products and water conservation. In addition, Smart Irrigation Month is a great opportunity to educate constituents and consumers, including homeowners, garden clubs, growers and farm irrigation managers, with valuable watersaving irrigation information, products and services.

Additionally, Smart Irrigation Month serves to recognize advances in irrigation technology and practices that produce not only more but also higher quality plants with less water. Given that July is a peak month for the use of water irrigation; this designation also stands to encourage the adoption of smart irrigation for substantial water savings. Consequently appropriate irrigation technology combined with efficient practices can significantly reduce water usage and runoff while creating healthy lawns, landscaping, sports turf and increasing agricultural production.

Water is a finite resource that is essential in the advancement of agriculture, and is vital to human life. Smart Irrigation Month will showcase the importance of smart irrigation practices to the health and well being of communities and individuals. I would like to commend the Irrigation Association for its continued promotion and advancement of efficient water and irrigation use and therefore ask that you join me, together with the Irrigation Association, in designating July as Smart Irrigation Month to be recognized annually from July 2006 forward. Water is the lifeblood of resources that gives sustenance to life. We must wisely use this resource for the future of mankind. Therefore, smart irrigation technologies allows us to do just that.

OPPOSING THE REPEAL OF THE ESTATE TAX

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. RANGEL. Mr. Speaker, I rise in opposition to repealing the estate tax. It is fiscally irresponsible and would drive higher an already swelling deficit. Repealing the estate tax lacks rigidity that is desperately needed to reduce the national deficit and balance the budget. On the heels of passing consecutive tax cuts for the wealthy, repealing the estate tax would grant further tax relief to the most affluent in our country while the poor and the working class continue to struggle to make ends meet. Contrarily, estate tax repeal would save the estate of Vice President DICK CHENEY between $13 million and $61 million. It would save the estate of Defense Secretary Donald Rumsfeld between $32 million and $101 million. The estate of retired Exxon Mobil chairman Lee Raymond would save a comfortable $164 million. Additionally, tax relief for the wealthy does not materialize in gains for the poorest in America.

I urge my colleague in the Senate, JON KYL, to abandon the pursuit of legislation that would permanently repeal the estate tax for the wealthiest Americans. If adopted, Sen. KYL's bill would plunge the government into another trillion dollars into the red during the first decade (2011–2021) that the legislation would be in effect.

As boomers are retiring from the market place, Congress should mount a concerted effort to preserve Social Security and Medicare rather than giving tax cuts to the wealthy who are not demanding them. Health care needs are not being met by employers and a growing number of Americans are without adequate access to vital care. Repealing the estate tax will not bring these services and other needs to the most disadvantaged in our nation. Repealing the estate tax is misguided public policy. Democrats and Republicans should focus on strengthening education, Social Security, Medicare and restoring discipline to budget spending.

Mr. Speaker, I would like to introduce an op-ed article written by Harold Meyerson, titled "Estate Tax Lunacy" in the Washington Post on May 31, 2006.

[From the Washington Post, May 31, 2006]

ESTATE TAX LUNACY

(By Harold Meyerson)

Spring has given way to summer's full-furnace heat in Washington, apparently taking with it any scintilla of sense that Congress may yet possess.

In the House, Republicans who could not even raise an eyebrow at reports that the National Security Agency has been conducting warrantless wiretaps of Americans became instant civil libertarians when the FBI conducted a search of a congressman's office.

The Senate, meanwhile, is scheduled next week to take up legislation by Arizona Republican Jon Kyl that would permanently repeal the estate tax on the wealthiest Americans. If enacted, Kyl's bill would plunge the government another trillion dollars into the red during the first decade (2011–2021) that it would be in effect.

Behind the scenes, the action has been on the Democratic side in the Senate, as the party's leadership has sought to dissuade Montana's Max Baucus, ranking Democrat on the Finance Committee, from forging a halfway-house compromise with Kyl that would deplete revenue by only $500 billion to $600 billion during that decade. The Republicans would need Baucus to bring roughly a half-dozen Democrats along with him to reach the magic number of 60 votes required to overcome any filibuster that the vast majority of Democrats would mount to block any such measure.

Even a paltry $500 billion, of course, is a lot of money to drain from public coffers just when boomers are going onto Social Security and Medicare and the number of employers providing health insurance, if present trends continue, might have dropped to a virtuous handful. To cover those and other needs, Congress will either plunge us deeper into debt or increase some other levies—payroll taxes, say—that will come out of the pockets of the 99 percent of Americans whom the estate tax doesn't touch.

A decades-long campaign by right-wing activists (brilliantly documented by Yale professors Michael Graetz and Ian Shapiro in their book "Death by a Thousand Cuts") has convinced many Americans that the estate tax poses a threat to countless hardworking families. That was always nonsense, and under the estate tax revisions that almost all Democrats support—raising the threshold for eligibility to $3.5 million for an individual and $7 million for a couple—it becomes more nonsensical still. Under the $3.5 million exemption, the number of family-owned small businesses required to pay any taxes in the year 2000 would have been just 94, according to a study by the Congressional Budget Office. The number of family farms that would have had to sell any assets to pay that tax would have been 13.

On the other hand, an estate tax repeal would save the estate of Vice President Cheney between $13 million and $61 million, according to the publicly available data on his net worth. It would save the estate of Defense Secretary Donald Rumsfeld between $32 million and $101 million. The estate of retired Exxon Mobil chairman Lee Raymond would pocket a cozy $164 million. As for the late Sam Walton's kids, whose company already makes taxpayers foot the bill for the medical expenses of thousands of its employees, the cost to the government for not taxing their estates would run into the multiple billions.

The Baucus split-the-difference measure wouldn't repeal the estate tax, but it would still cut the tax rates on the estates of the super-rich by 15 percent. The Montana senator spent much of last week trying to line up a handful of his Senate Democratic colleagues to support his proposal, in the hope of being able to announce an unshakable 60 votes favoring this folly when the debate begins next week.

Why any Democrat would back such a measure, however, is a deep mystery. From the policy standpoint, it would make it vastly more difficult both to shore up programs that Democrats believe need shoring up—better educating the nation's children, for one—and to get the nation's fiscal house in order. Politically, backing the measure is even wackier. The Democrats are running this year as the party of comparative fiscal sanity and greater economic equity and security. Baucus's compromise would undermine all those premises. Republicans might very well attack Democratic senators up for reelection this year for failing to repeal this hideous death tax, as they call it, but any Democratic senator who can't rebut that charge in what is shaping up as a very Democratic year should probably be in another line of work.

Last Friday Baucus's staffers assured the Democratic Senate leadership's staff that their boss would back off his compromise campaign. Still, given Baucus's penchant for mischief (it was largely he who rounded up enough Democratic votes to enact Medicare Part D and its Big Pharma giveaway), those assurances have met with some skepticism on Capitol Hill. The Democrats' capacity to undermine themselves has not vanished with the final days of spring.

MILL RUN ELEMENTARY D.A.R.E. PROGRAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. WOLF. Mr. Speaker, it is an honor for me today to recognize the recent D.A.R.E. graduates from Mill Run Elementary School in Ashburn, Virginia. D.A.R.E.—Drug Abuse Resistance Education—has a long history of providing children with the information and skills they need to live drug-and-violence-free lives and I was pleased to recently visit the fifth graders at Mill Run as they completed this program.

I would like to recognize Mill Run principal, Paul Vickers, and fifth grade teachers, Ms. Garofalo, Ms. Neely, Ms. Page, Ms. Sovereign, Ms. Williams, Ms. Wolff, and Mr. Wolslayer. Special acknowledgment also goes to D.A.R.E. officer, Deputy Lynette Ridgley, who is specially trained to work with students, answer their questions, and establish a positive relationship between students, law enforcement, and the community. The D.A.R.E. program, supported by dedicated school faculty, has helped to address the critical need to educate our youth on the consequences of involvement in drugs, gangs, and violence, and how to avoid risky behavior.

Several students at Mill Run Elementary received special awards for poster and essay

submissions. Poster winners include Krista Sanders-Mason, Manik Dayal, William Kim, Ryan Orr, Rob Kramer, Renato Mazzei, Ellie Ferguson, and Brigitte Ganzer. Essay winners include Rachael Williams, Brandon Greer, Francesca Beller, TJ Soroka, Nick Carroll, Emily Ready, and Colin Ceresa. I have inserted for the record these students' essays because I feel it is important to hear from the students themselves about how much of an impact the D.A.R.E program has made.

One student, TJ Soroka, says it plain and simple, "The information taught in the D.A.R.E. program has given me the knowledge to make good decisions in my life."

(By T.J. Soroka)

When you go to school, you take many subjects, but this year I took one program unlike any other. That was DARE which stands for Drug Abuse Resistance Education. It's not taught by any ordinary teacher, in fact, DARE is taught by a Deputy Sheriff who works in Loudoun County. When we started DARE, I thought it would only be about smoking and drugs. But we also learned about inhalants, making good decisions, friendship qualities, being confident, and much more. But I gained the most knowledge in DARE while learning about tobacco and the qualities of a good friend.

Before you smoke a cigarette, think of all the bad things you're doing, such as putting 200 poisons in your body. Also, you aren't just hurting yourself, you're hurting the environment and the people around you. If you're under 18, it's against the law to smoke. I hope you don't smoke a cigarette, now knowing the affects of it.

Do you think your friends have good traits? Do they treat you like a friend? True friends have these qualities. They are loyal to you and you can trust them. Also, they have a bright personality so they can cheer you up. Last, if your friend asks you to smoke, you should have a second thought about them being your friend, after making a bad decision.

The Information taught In the DARE program has given me knowledge to make good decisions. DARE also teaches you how to say no to drugs and other substances. Next, DARE has taught me affects of drugs and everything else. DARE has gave me the knowledge to make good decisions in my life.

(By Francesca Beller)

What exactly is D.A.R.E.? D.A.R.E. means Drug Abuse Resistance Education. It teaches kids to make smart decisions and teaches them about drugs and alcohol Our teacher was Deputy Ridgley. She taught us several interesting facts about tobacco, marijuana, peer pressure, and other things that may or may not scare you.

Tobacco, the k1ller of over 400,000 peoples a year. It is illegal to anyone under the age of 18, but even though it is, children still do it!

Tobacco affects your body development, so it really affects kids! There are also many diseases that tobacco can cause, such as heart disease, lung cancer, and mouth cancer. So, tobacco is very dangerous to people young and old with its 200 known poisons.

Inhalants, something that can cause sudden death is not what anyone wants. Inhalants have become a big problem now. Teens are using inhalants a lot. They use super glue, paint thinner, and other things. Inhalants can suffocate you and cause diarrhea. They also starve the body of oxygen and force the heart to beat irregularly. Some chronic users may have reduced muscle tone of strength. So if inhalants are so bad, why do it?

Advertisements, they trick people into buying bad products. Some tobacco commercials or advertisements may have you knocking on the wrong door. If tobacco turns your teeth yellow, then why do people in the ads have such white teeth? Beer ads do the same thing. They do not tell you the consequences most of the time. All they care about is you buying the product! Also, a tobacco company gave a ton of money to a charity, then spent more money than what they gave to charity telling people about it! Don't be fooled by advertisements, it may cut your life short.

I think D.A.R.E. has really made an impact on my life. Now I know everything I need to know about things from drugs to alcohol to peer pressure. I really think that everyone should take D.A.R.E, because it will probably lead most people down the right path for their lives. D.A.R.E. is very fun and Is just a great program!

(By Brandon Greer)

''Click, click.'' The teenager was just handcuffed for smoking marijuana in a bathroom. I will never make this decision because of D.A.R.E. D.A.R.E is a program that teaches you about drugs. The D.A.R.E decision. making model. advertising, friendship qualities. peer pressure, personal pressure, ways to say no, and being confident. Our D.A.R.E. teacher was Deputy Ridgley. She was truly kind and comical. She told our class interesting stories in relation to her experiences about drugs.

One main drug we talked about was tobacco. Tobacco is found in cigarettes and in chewing tobacco. Tobacco is responsible for more than 400,000 deaths in America each year. Tobacco shoots your body right in the foot because it causes some major health problems. One is you could suffer shortness of breath and dizziness. It also hurts the people around you, because approximately 3,000 nonsmokers die each year from lung cancer. If you want to be beautiful, don't smoke. The 200 known poisons in the cigarette's smoke can affect your appearance. One way smoking affects your appearance is it dries your skin out and causes wrinkles. Smoking also causes yellow teeth and gives you terrible breath. Yuck!

Another major issue we spoke about was being confident. You need to be confident when a friend asks you a question, such as ''Do you want to smoke?'' Do not speak in a weak voice or have poor posture while you tell your friend you are not interested. Your friend will just keep nagging at you to smoke because he knows that you are unsure. To show your confidence, you must have excellent posture by standing up straight with shoulders back and chin up. Look your friend right in the eye and maintain eye contact. You then must speak clearly and respectfully. Remember to stay calm and say no thank you. If you are confident your friend will stop asking you to smoke. Hopefully, your friend will ask you if you want to do some other activity.

I really loved D.A.R.E. I think that D.A.R.E. will actually help me in the future by knowing how to say no to drugs. I believe that it is extremely important to be drug free. If you take drugs you are basically throwing away your life because you might become addicted and think you must have drugs. I also think it is important that my friends and family do not do drugs. If you are drug free you can enjoy sports like, skiing, soccer, football, basketball, hockey, and other activities. You will also live a longer and have a better life if you don't do drugs. I have truthfully enjoyed learning about drugs and other D.A.R.E. topics. I will always continue to be 100% drug free.

(By Rachael T. Williams)

D.A.R.E. is something everybody can listen to, Drug Abuse Resistance Education. D.A.R.E. helps kids understand the cautions of drugs and alcohol from the start, and that nothing is real on advertising. Those are only two of the millions of things that D.A.R.E. teaches you!

Alcohol isn't something that helps you grow or something to play with. Alcohol is loss of self-control or even coma and death! Yes, you can drink once you're over twenty-one, but that doesn't give you the right to go party until four in the morning! Alcohol is a very dangerous thing. It is something you should never drink if you're under age, not even if someone calls you chicken. Even if they try to act tougher than you are, they're not. They're not stronger than you are, or cooler, or smarter than you are. It may seem like they're cooler but truly they're not.

You may look into a magazine and flip a few pages and then see an advertisement, and you will see people smoking cigarettes and having a great time. Well guess what, that is not reality. Reality is yellow teeth and sickness and your lungs turning black and failing. Cigarettes or cigars aren't a pool filled with fun. It causes breathing problems or heart disease and even cancer in your lungs, mouth, throat, bladder, and kidney! Smoking is just a big black hole of emptiness! So, don't listen to advertisements.

Peer pressure happens to everybody. It can happen on the bus, at recess, or even walking home from school. Sometimes people will be pressuring you about drugs or sometimes alcohol. They will make it seem fun and make it look like the answer to your prayers. Well, it's not. There are a lot of ways to say no like using humor or standing up for yourself. Those are just two ways to say no. D.A.R.E. will teach you many other ways.

D.A.R.E. is an awesome place to learn about drugs and how they can hurt you. I love going to D.A.R.E. Before D.A.R.E., I didn't even know half of the cautions of drugs and alcohol and how risky it is to drink or smoke. I know now that one day I'm going to be offered a cigarette or some alcohol, and I know exactly what to say: ''NO!'' I'll walk away and never trust a person like that again. Now I'll remember that no is the way to go.

(By Colin Ceresa)

In fifth grade we take a special class called D.A.R.E. D.A.R.E. stands for Drug Abuse Resistance Education. My D.A.R.E. teacher, Deputy Ridgley, teaches us the dangers of drugs and alcohol, how to say no, and how to avoid dangerous situations.

Smoking can do horrible things to your body. Did you know smoking can turn your lungs black? Smoking makes it hard to breathe and makes you dizzy. It makes your breath smell, turns your teeth yellow, dries your skin out and causes wrinkles. There are 200 known poisons in cigarette smoke. Smoking is the most common cause of lung cancer. I feel that smoking is very wrong. My Pop-Pop started smoking during the Viet Nam War and then smoked for 40 years. Luckily he quit a few years ago and is doing fine.

If you want to avoid all these bad things you need to be able to say no!!! Saying no can help you avoid many dangerous situations. You can say no in many ways. You could ignore the person offering you drugs. You could give a reason or fact to the person who is offering you drugs and tell them why they are bad for you, or you could walk away from the person who is offering you drugs. Saying no can change your life in so many ways. Saying no could even save your life.

I feel that all of the information that I learned in D.A.R.E. will help me a lot in the future. I know how bad alcohol, drugs and tobacco are for you. I also learned that you

need to be confident and not let your friends pressure you into doing something that is illegal or will hurt you. D.A.R.E. has helped show me the importance of just saying NO!

(By Emily Ready)

''Good afternoon, guys. Today we're going to talk about...'' Every single year, fifth graders in Loudon County take a class called D.A.R.E. D.A.R.E. stands for Drug Abuse Resistance Education. A deputy from Loudon County Sheriff's office comes and teaches you. Some of my favorite things that we learned about were tobacco, alcohol, and peer pressure.

Coughing, yellow teeth, cancer? These are just some of the things tobacco does to you. Cigarettes contain tobacco, and smoking is the main cause of heart disease. More than 400,000 people die every year from smoking. It can also turn your lungs from natural pink to sickening black. My thoughts on tobacco are tobacco is a horrible thing, and if you use it, you are ruining your life!

Jail, comas, and possible death are only a few of the things too much alcohol can get you. Alcohol is in beer, wine, and liquor. It slows down your brain and your body. In case you're wondering, most teenagers DON'T drink alcohol. I think if people were more responsible with alcohol, it wouldn't be a problem.

Peer pressure is when other people, friends or not, try to get you to do something you may or may not wish to do. Some people can be mean about it, or some will be nice and it can be something good for you. If it's bad, just say NO! I think if it's mean or bad peer pressure, we don't need it! It can hurt people's feelings and make them do something dangerous or awful that can hurt them or other people.

I really enjoyed the D.A.R.E. program this year. It showed me just how dangerous smoking and underage drinking really are. I believe it is important to stay drug-free because you can destroy yourself, your family, and your future. So, I, Emily Ready, promise to stay drug-free and stay a non-tobacco user and a nonunderage drinker.

(By Nick Carroll)

''Lost another one to drugs because of over use of alcohol,'' sighed Dr. Smith. That won't happen to me because I took D.A.R.E class. D.A.R.E. stands for Drug Abuse Resistance Education. During D.A.R.E. we learned about alcohol, inhalants, marijuana, and tobacco. We learned about more than just drugs. We learned how to say no and about the D.A.R.E. decision making model. We also learned about how dangerous inhalants can be and the tricks of advertisement.

Inhalants can be used as a type of drug. It can be made using household products concentrated in a certain place (like in a paper bag). They are very dangerous! It can kill you instantly even if you're doing it for the first time. Inhalants can damage your brain and liver. You might suffer from a loss of smell, depression, and can cause a heart attack! It can also suffocate you. It will starve your body of oxygen and force your heart to beat irregularly and more rapidly. You could get sores in the mouth and nose. Chronic users can have muscle wasting and reduced muscle tone and strength. Inhalants can cause nausea and nosebleeds. Inhalants are one of the things that kill many children each year. Inhalants can cause most of these problems without you knowing it until it's too late.

Advertising is one of the ways drug companies get people to buy their stuff. One of the ways they do it is to show famous celebrities drinking beer or smoking a cigarette. They also show happy people with beer, wine, or a cigarette. They put advertisements almost everywhere you could look. They put them on TV commercials, in magazines, billboards, and many other places. They think that by putting them in a lot of places they are getting more custumers and it works, people go for the advertisements.

I think D.A.R.E. was an exciting subject. We learned many things from our instructor, Deputy Ridgley. She made it enjoyable to learn about drugs and how to stay drug free. Deputy Ridgley told us many stories, which made it exciting. I think that it is important to stay drug free to keep from getting sick or hurt from different drugs. I will stay drug free to keep from getting sick or hurt by drugs!

INTRODUCTION OF IRAN GAS QUARANTINE RESOLUTION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. KIRK. Mr. Speaker, today, I am reintroducing a resolution with Congressman ROBERT ANDREWS (D–NJ) which emphasizes that the crisis regarding Iran's nuclear program should be resolved primarily through diplomatic means. I choose diplomacy over conflict; and I believe the United States and our allies can achieve our ends to the Iranian nuclear program without firing a shot. By focusing on Iran's reliance on gasoline imports, this concurrent resolution suggests a thoughtful and effective approach to diplomacy with Iran.

The resolution I introduce today states that as part of the diplomatic effort, the United States should consider a gasoline quarantine, organized and enforced by a multilateral coalition of nations. This action would be a strong yet prudent action to dissuade Iran from joining the nuclear club.

Despite its wealth of crude oil, Iran imports nearly 40 percent of its refined gasoline. For years, the Iranian regime has subsidized this imported gasoline by $3 billion a year to keep prices artificially low in order to maintain economic and political stability. A quarantine, and the resulting spike in prices, would be catastrophic to the regime's stability.

The Iranian economy is nearly at its breaking point due to crushing unemployment, inflation, and the rush of foreign investors leaving the Islamic Republic. A quarantine would push the government's ability to spend to the breaking point, forcing them to consider compromise.

Congressman ANDREWS and I introduced a similar resolution, House Concurrent Resolution 177, on June 14, 2005. Since that time, Iran selected an unpredictable and belligerent new leader. Iran has restarted uranium enrichment and paraded missiles through the street with banners saying ''Death to America'' and ''Wipe Israel off the Map.'' This resolution reflects the current situation with respect to Iran, and suggests an innovative solution to the nuclear impasse.

I want to thank my good friend Congressman ROBERT ANDREWS for being the lead cosponsor of this legislation. I look forward to working with him and my other colleagues on this important foreign policy initiative.

SUPPORTING THE MUSLIMS CARE PROGRAM OF COMMUNITY SERVICES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. RANGEL. Mr. Speaker, I rise today to enter into the RECORD, my heartfelt support for the ''Muslims Care'' campaign, launched by the Council on American-Islamic Relations, CAIR, to promote volunteerism in the Islamic community. CAIR is asking Muslims across the country to volunteer their time for raising health awareness, helping the needy and supporting activities for youth. Using verses from the Qur'an and Hadith, the ''Muslims Care'' tool kit (available in www.muslims-care.org) is encouraging local mosques to participate and promote volunteering programs such as blood drives, health awareness, student tutoring, etc.

First of all, the ''Muslims Care'' program has a community benefits focus, which can potentially bring together people from a multitude of backgrounds and interests. Moreover, it offers an opportunity to weave Muslims and Islamic identity into the American sociocultural fabric, a viable approach to counter the misinformation that is out there about Islam and Muslims. Lastly, a recent survey, conducted by CAIR, showed that the majority of Americans promised to change their views about Islam if Muslims are seen to be concerned about healthcare, education, economy, issues that plague the average American. The ''Muslims Care'' campaign is an excellent way to overcome this us/them mentality and the prejudices about Islam and Muslims.

I heartily support this undertaking by CAIR, as well as their other programs that promote cross-cultural dialogue to enhance the understanding of Islam.

U.S. MUSLIMS LAUNCH ANNUAL VOLUNTEERISM CAMPAIGN

WASHINGTON, DC., May 25, 2006.—A prominent national Islamic civil rights and advocacy group today called on American Muslims to support its second annual campaign, called ''Muslims Care,'' designed to promote volunteerism in the Islamic community.

In its summer-long initiative, the Council on American-Islamic Relations (CAIR) will offer Muslims the resources and information they need to help improve the communities in which they live. This year, CAIR will again ask Muslims across the country to focus on health awareness, helping the needy and activities for youth.

Visitors to CAIR's campaign website, www.muslims-care.org, will be able to download a toolkit containing information about how to become a volunteer and suggesting volunteer activities such as blood drives, health awareness fairs and student tutoring. CAIR is suggesting that community members visit the website to submit local volunteer opportunities and see what activities are available in their state.

The ''Muslims Care'' kit also offers advice to Islamic religious leaders about how they can promote volunteerism in local mosques and suggests partnering with established volunteer groups such as the American Cancer Society and Big Brother/Big Sisters.

Local Islamic leaders and imams (prayer leaders) are being encouraged to give Friday sermons on the importance of volunteerism. The ''Muslims Care'' toolkit has sample verses from the Quran, Islam's revered text, and hadith (Islamic traditions) to incorporate in the sermons. One tradition quotes

Islam's Prophet Muhammad as saying, ''The upper hand (of giving) is better than the lower hand (at receiving),'' as an encouragement to provide for those less fortunate.

''As Muslims, we are encouraged to work to improve the communities in which we live,'' said CAIR Communication Coordinator Rabiah Ahmed.

Ahmed cited a recently-conducted CAIR opinion survey showing that a majority of Americans said they would change their views about Islam and Muslims if they perceived that Muslims were more concerned about issues such as healthcare, education and the economy.

CAIR, America's largest Islamic civil liberties group, has 32 offices and chapters nationwide and in Canada. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

TRIBUTE TO DICK LAWLER

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. BOEHLERT. Mr. Speaker, I rise today to honor Dick Lawler, a long-time friend, who after dedicating 35 years of his heart and soul to the field of journalism has reached one of life's greatest milestones, and will finally take his well-deserved retirement.

Dick is known by his peers as someone with an invigorating ability to reach people in a way that leaves a lasting positive impression. Evidence of such can be found in one of Dick's classic euphemisms, ''If it were easy, everyone would do it.'' Those words speak volume to the character of this great man.

That said Mr. Speaker, if it were easy, everyone would have a loving wife, devoted children, and adoring grandchildren. Everyone would raise a family worthy of respect from their friends and peers.

If it were easy, everyone would devote themselves to their community. We would all find the time to help children, serve our neighbors, and make the community that raised us a better place to grow up in.

If it were easy we would all be passionate about our jobs and our professions. Our work would exhibit the enthusiasm we feel every day, and our patrons would recognize the joy we feel from serving them. We would become legends in our own time, and admired for our skills.

If it were easy, everyone would do it.

For over 35 years, Dick has been a consummate journalistic professional who has sought to further hone and craft his skills every day. He is a man who was dedicated to the pursuit of both truth and a good story. A man who sat with Henry Kissinger, Robert F. Kennedy, school children, and shopkeepers equally.

In his private life he has dedicated countless hours to raising funds for children's hospitals and improving our community. It is these good works that have truly endeared him to us. For many years, my wife and I have often been privileged to share the company of his family. From backyard barbeques to cheering on our hometown Utica Blue Sox with our fellow ''bleacher bums,'' Dick and his wife Jackie have always been a treasured part of our lives.

Very little in life is easy, but Dick has always managed to approach life with a grace and simplicity that makes it seem effortless. As a journalist, a father, and a friend, Dick has spent the last 35 years tantalizing us with how easy life can seem when you work hard to reach your goals.

I wish him tremendous success in his retirement from journalism, I know all too well that it is never easy to leave your passion. And if it truly were that easy, everyone would do it.

INTRODUCTION OF THE STORMWATER ENFORCEMENT AND PERMITTING ACT OF 2006

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. GARY G. MILLER of California. Mr. Speaker, as a homebuilder for over 35 years, I rise today in support of the Stormwater Enforcement and Permitting Act of 2006, a bill introduced by Water Resources and Environment Subcommittee Chairman DUNCAN to streamline the Clean Water Act stormwater permitting process for residential construction sites.

The Environmental Protection Agency's (EPA) costly, excessive, and inconsistent stormwater regulations need to be reformed to ensure affordable homes can be constructed without burdensome regulations that do little to protect the environment. More effective environmental protection will come from simple, straightforward rules that encourage compliance.

Stormwater is different from the industrial pollutants that are the focus of EPA's National Pollutant Discharge Elimination System. Rainfall events that generate stormwater runoff on residential construction sites cannot be controlled in the same way a manufacturing plant can control the flow of its industrial processes. The inflexible requirements imposed by the EPA do not acknowledge these differences. A more consistent and sensible enforcement approach would better protect our water resources without increasing housing costs.

I believe stormwater regulations must be reasonable, which is why I am an original cosponsor of the Stormwater Enforcement and Permitting Act of 2006. This bill creates an outreach program to ensure all homebuilders know of EPA's regulations, gives builders an opportunity to correct benign stormwater permit deficiencies that do not result in environmental damage, and clarifies, codifies, and streamlines EPA's stormwater regulations for residential construction sites.

At a time when housing prices have hit record highs, burdensome regulations are pushing up the costs of housing, squeezing working families out of the market. I look forward to working with my colleagues to move this bill forward to streamline EPA's stormwater regulations to ensure all Americans can realize the dream of homeownership.

COLUMNIST DAVID IGNATIUS: IT'S TIME TO CONNECT GLOBALLY, ESPECIALLY WITH IRAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. RANGEL. Mr. Speaker, I rise to introduce into the RECORD the commentary entitled ''It's Time To Engage With Iran'' written by David Ignatius and published in the May 25, 2006 issue of the Washington Post.

Much of the diplomacy of the last 5 years has been confrontational, characterized by threats, ultimatums and labeling or ''name calling'' of leaders or countries perceived as threats by the Bush administration.

With this threat diplomacy in mind, Mr. Ignatius offers some literary and policy advice. Quoting the last line of E.M. Forester's novel Howards End, Mr. Ignatius suggests ''Only connect'' as a good foreign policy for the United States.

Ignatius suggests only connect is a useful injection in thinking ''about U.S. strategy toward Iran and the wider conflicts between the West and the Muslim world.'' I agree.

The U.S. could certainly have benefited from connections with our traditional allies before we invaded Iraq. Instead President Bush and Vice President CHENEY unhelpfully labeled France, Germany and our other long-time and steadfast allies as ''the old Europe.'' Unbelievably, for a time, otherwise reasonable and sane members of Congress and of the administration insisted on calling french fries, freedom fries.

The Bush administration's arrogance and hubris led the President and Vice President not merely to rebuff the countries who refused to let America lead them into war with Iraq but took every opportunity to disconnect from them. At every opportunity the Bush administration let our long-time friends know our connection with them did not matter. If they were not with us, they were against us. I believe there are those in Congress who regret the attitude represented by these words. Our ''coalition of the willing'' has few member countries left and those that are left have few soldiers fighting in Iraq.

During the first days of the Bush administration, the U.S. refused to meet with Iran at all. China finally convinced the U.S. to meet with Iran but when we did, our representatives sat in the conference room and announced the U.S. would not deal with Iran and then spoke no more. During the 1½ years we did not deal with Iran it forged ahead on its nuclear research and perhaps produced enriched plutonium. We just don't know.

Ignatius writes that ''we are in the early stages of what the Centcom commander, Gen. John Abizaid, calls 'the first war of globalization, between openness and closed societies.'" General Abizaid's advice was to ''expand openness and connection.'' According to Ignatius, General Abizaid called al-Qaeda ''the military arm of the closed order.'' The extremist mullahs in Tehran are leaders of a closed order.

Ignatius writes that America's best strategy is connection and to play to its strengths, which he believes are the open exchange of ideas, backed up by unmatched military power.

I believe we have nothing to fear from connecting with Iran, North Korea, China and Russia. We have much to fear from antagonizing these countries. Vice President CHENEY recently called Russia ''irresponsible,'' which angered President Putin of Russia. Name calling and labeling should not be used by any member of the administration. It is a backward, undiplomatic form of communications employed by schoolyard bullies not by high officials of a country like ours which must learn to live in peace with the other great powers in the world.

We connected, engaged, with the Soviet Union in 1973 through the Conference for Security and Cooperation in Europe, CSCE, even while conservatives warned that it was a dangerous concession that the Soviets might interpret as weakness. Instead the CSCE helped speed the fall of the Soviet Union. President Nixon was warned by conservatives not to go to China and yet an era of great diplomacy with China followed his trip.

The column by David Ignatius points out that Ahmadinejad's letter to President Bush ''clearly had the backing of Iran's supreme leader, Ayatollah Ali Khameini.'' In the words of Ignatius ''that's like having the support of Vice President CHENEY for a peace feeler.''

According to Karim Sadjadpour, an Iranian analyst with the International Crisis Group, opinion polls show that 75 percent of Iranians favor relations with the United States.

There is no guarantee that a policy of engagement will work. But there are no other good options. We can have engagement with Iran and hope they will accept a package we can offer with our allies that will keep them from developing nuclear weapons, or we can learn to live with Iran as a nuclear power, or we can go to war with Iran. War with Iran would have unintended consequences we cannot imagine. It should be obvious that the first of these is the best option.

IT'S TIME TO ENGAGE WITH IRAN

(By David Ignatius)

''Only connect.'' That was the trademark line of E.M. Forster's great novel ''Howards End.'' And it's a useful injunction in thinking about U.S. strategy toward Iran and the wider conflicts between the West and the Muslim world.

We are in the early stages of what the Centcom commander, Gen. John Abizaid, calls ''the first war of globalization, between openness and closed societies.'' One key to winning that war, Abizaid told a small group of reporters at the Pentagon yesterday, is to expand openness and connection. He called al-Qaeda ''the military arm of the closed order.'' The same could be said of the extremist mullahs in Tehran who are pushing for nuclear weapons.

America's best strategy is to play to its strengths—which are the open exchange of ideas, backed up by unmatched military power. The need for connection is especially clear in the case of Iran, which in isolation has remained frozen in revolutionary zealotry like an exotic fruit in aspic. Yet some in the Bush administration cling to the idea that isolation is a good thing and that connectivity will somehow weaken the West's position. That ignores the obvious lesson of the past 40 years, which is that isolation has usually failed (as in the cases of Cuba and North Korea), while connectivity has usually succeeded (as in the cases of the Soviet Union and China).

A telling example was the decision to engage the Soviet Union in 1973 through the Conference for Security and Cooperation in Europe. At the time, some conservatives argued that it was a dangerous concession that the Soviets might interpret as a symbol of weakness. But the CSCE provided a crucial forum for dissidents in Russia and Eastern Europe, and with astonishing speed the mighty edifice of Soviet power began to crumble. Similar warnings about showing weakness in the face of an aggressive adversary were voiced when President Richard Nixon went to China in February 1972.

I cite this Cold War history because the moment has come for America to attempt to engage revolutionary Iran. The invitation for such a dialogue came this month in a letter to President Bush from Iranian President Mahmoud Ahmadinejad—a man whose rabble-rousing, Israel-baiting career gave him the credentials, if that's the right word, to break a 27–year Iranian taboo on contacts with the Great Satan.

Ahmadinejad's letter clearly had the backing of Iran's supreme leader, Ayatollah Ali Khamenei. In the American context, that's like having the support of Vice President Cheney for a peace feeler. My own Iranian sources say there is broad consensus in Tehran that it is time for talks with the United States. ''Iran wants to start discussions the same way the Chinese wanted discussions'' with Nixon, an Iranian businessman named Ali Ettefagh told me in an e-mail this week. ''Great Satan doesn't sell anymore. More than half the population was not born 27 years ago, and the broken record does not play well.'' The Iranian offer of dialogue, he says, ''ought to be taken as an opportunity, if only to air out grievances and amplify differences.''

I suspect Iran wants dialogue now partly because it perceives America's position in Iraq as weak and its own as strong. That may be true, but so what? Washington should still take yes for an answer. The United States and its European allies this week are crafting a package that, one hopes, will include everything the Iranian people could want—except nuclear weapons. The bundle of goodies should stress connectivity—more air travel to Iran, more scholarships for students, more exchanges, Iranian membership in the World Trade Organization. The mullahs may well reject these incentives as threatening, but that's the point. Their retrograde theocracy can't last long in an open world. This very week, about 40 police officers were injured in a clash with demonstrators at two Tehran universities. One of the hand-lettered protest signs captured in an Iranian photo said: ''This is not a seminary, it is a university. ''

Karim Sadjadpour, an Iranian analyst with the International Crisis Group, noted in Senate testimony last week that opinion polls show 75 percent of Iranians favor relations with the United States. ''Embarking on a comprehensive dialogue with Iran would provide the U.S. with the opportunity to match its rhetorical commitment to Iranian democracy and human rights with action,'' Sadjadpour said. He's right.

There's no guarantee that a policy of engagement will work. The Iranian regime's desire to acquire nuclear weapons may be so unyielding that Tehran and Washington will remain on a collision course. But America and its allies will be in a stronger position for responding to Iranian calls for dialogue. Openness isn't a concession by America, it's a strategic weapon.

TRIBUTE TO CANDY SCHNEIDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my dear friend Candy Schneider who is retiring after 33 years of service in the Clark County School District.

Candy has been a teacher of art, humanities and the academically talented at the junior school level as well as a Visual Arts Administrative Specialist for grades K–12 for over three decades. During her career as an educator, Candy has served as the Assistant Director for the School-Community Partnership Program, Chairwoman of the Nevada Arts Council, and Chair of the Arts in Education. Among Candy's many achievements, she has been honored with the Nevada Educator of the Year award, the Excellence in Education Award and a National Gallery of Art State Scholarship. She is also a member of the Arts Council of Henderson and an honorary member of the Henderson Art Association. In addition, Candy has done a tremendous service to my office by coordinating the Congressional Art Contest for the Third Congressional District of Nevada.

Through the years, Candy has served on a variety of local, regional, and national boards and committees including the National Art Educators Association, the National Endowment for the Arts, Nevada School for the Arts, and a host of Clark County School District committees. It is through her work with these institutions that she and I have become good friends. Candy is a lovely woman who pours all her heart and energy into expanding and enriching humanities and art-oriented programs for the children of Clark County.

Mr. Speaker, I am proud to honor Candy Schneider for her years of dedicated service to the students in the Clark County School District. Her passion for arts education has truly enriched the lives of the students, colleagues and community members who have been inspired by her over the years. I wish her the best in her retirement.

BEST WISHES FOR A SUCCESSFUL TAIWAN SYMPOSIUM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. PAYNE. Mr. Speaker, the Taiwan Chapter of the Democratic Pacific Union will sponsor a symposium this summer (August 12–14) in Taipei, Taiwan. The symposium will include topics such as legislative and democracy, legislature and the electoral process, legislative procedures and rules, legislature and campaign finance. All these topics are very timely and relevant to the legislative process.

Taiwan's efforts in promoting democracy throughout the Pacific regions are laudatory. In addition to the upcoming symposium, the Taiwan Chapter of the Democratic Pacific Union has sponsored other worthy programs such as a training program on hazard mitigation with emphasis on typhoon-related disasters and fellowships for students from Democratic Pacific Union member states to study in

Taiwan as well as invitations to distinguished women throughout the Pacific regions to come to Taiwan to discuss women's issues.

Best wishes to the Taiwan chapter of the Democratic Pacific Union on their upcoming conference.

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. FORD. Mr. Speaker, on yesterday, June 7, 2006, I was unavoidably detained and was unable to cast votes. On rollcall No. 227, I would have voted ''yes''; on rollcall No. 228, I would have voted ''no''; on rollcall No. 229, I would have voted ''yes''; on rollcall No. 230, I would have voted ''yes''; on rollcall No. 231, I would have voted ''yes''; on rollcall No. 232, I would have voted ''yes''; on rollcall No. 233, I would have voted ''yes''; on rollcall No. 234, I would have voted ''yes.''

COMMENDING AMERICAN CRAFT BREWERS

SPEECH OF

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 2006

Mr. DEFAZIO. Mr. Speaker, today I rise in support of America's craft brewers. Our culture, our economy, and our communities have all benefited from the contributions craft brewers have made. The craft beer segment includes more than 1,300 small, traditional and independent breweries.

We have seen a boost in sales and growth for these small business entrepreneurs in recent years. This consumer appeal has created thousands of quality jobs in our country, helped stimulate a demand for American beer exports, and promoted our agricultural economy.

In recent years, breweries and brew pubs have flourished across the Nation. And, as the Representative from Oregon's fourth district, I have enjoyed seeing the diversity that craft brewery has fueled across the Nation. They bring with their craft a healthy dose of friendly competition and a loyal clientele base that appreciates their craft-made lagers and ales.

The pioneering spirit of Oregon lives on with its craft brewers. Oregon continues to enjoy more breweries per capita than any other State in the Nation. Even with Oregon having only 1 percent of the Nation's population, it is home to 7 percent of America's breweries and brew pubs. Five of those breweries are among the 50 biggest in the Nation.

In addition to their sales success, many of these small businesses support innumerable community-based charities, public institutions, local events and charities. Small craft brewers successfully balance that dedication between the quality of their beer and the quality of their community.

I urge my colleagues to support H. Res. 753 in recognition of America's Craft Brewers.

HONORING THE LIFE OF DR. HERBERT E. SMITH OF BLOOMINGTON, INDIANA

HON. MICHAEL E. SODREL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 8, 2006

Mr. SODREL. Mr. Speaker, it is with deep sympathy I announce the passing of Dr. Herbert E. Smith on June 2, 2006 at the age of 76. Dr. Smith was an educator and spent most of his life in the teaching profession to help young people build the foundation for future success. He was also a dedicated Hoosier who gave back much to his community.

Dr. Smith was born in Sterling Township in Crawford County, Indiana on July 12, 1929. He graduated from English High School in 1947. He went on to earn a Bachelor, Masters and Doctorate Degrees from Indiana University in Bloomington. Following completion of his own studies, he taught at all different levels ranging from Junior High through the college level in Indiana, Nebraska and Iowa,

Many Universities were honored to have Dr. Smith as an educator. He was an instructor at the University of Nebraska, Indiana University, I.U. Kokomo, I.U. Southeast at New Albany, and IUPUI in Indianapolis. He spent an astounding 34 years at Indiana University and 20 of those years serving as Assistant Dean of Students.

Besides his dedication to teaching, Dr. Smith was an active member of the community. He was a long time member of many local organizations. Dr. Smith was a 50–year member of Crawford Lodge #470 at English, Indiana, the Scottish Rite Valley of Indianapolis, and the Shrine of North America.

Dr. Smith never stopped trying to help his community. In 2000, he created a Public Radio Station, WBRO in Marengo, Indiana, to provide the best Public Radio programming available. WBRO broadcasts many public affairs, news, and discussion programs along with local sporting events.

The work put forth during his life did not go unnoticed. Dr. Smith was recognized by many for his contributions including the Key to the City of Indianapolis, ''Distinguished Hoosier'' award and the highest honor in Indiana, the ''Sagamore of the Wabash.'' In addition, Dr. Smith was appointed a ''Kentucky Colonel'' by the Commonwealth of Kentucky, ''Aide De-Camp, Governor's Staff' by Tennessee and ''Admiral, Great Navy of Nebraska''.

Indiana lost a hardworking and honorable man. Dr. Smith's dedication and commitment to helping others should be an example for others to follow. He led a successful life personally and professionally. I know he will be missed by those around him and the people he touched.

Daily Digest

HIGHLIGHTS

House Committees ordered reported 20 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S5609–S5675

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 3477–3487, S. Res. 505–506, and S. Con. Res. 98. **Pages S5659–60**

Measures Passed:

Official Senate Photograph: Senate agreed to S. Res. 505, authorizing the taking of a photograph in the Chamber of the United States Senate. **Page S5674**

National Health IT Week: Senate agreed to S. Res. 506, to designate the period beginning on June 5, 2006, and ending on June 8, 2006, as "National Health IT Week". **Pages S5674–75**

North Atlantic Council: Senate agreed to S. Res. 456, expressing the sense of the Senate on the discussion by the North Atlantic Council of secure, sustainable, and reliable sources of energy. **Page S5675**

Death Tax Repeal Permanency Act: Senate continued consideration of the motion to proceed to consideration of H.R. 8, to make the repeal of the estate tax permanent. **Pages S5610–29**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 41 nays (Vote No. 164), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to the bill. **Page S5628**

Native Hawaiian Government Reorganization Act: Senate continued consideration of the motion to proceed to consideration of S. 147, to express the policy of the United States regarding the United States' relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. **Pages S5631–40**

During consideration of this measure today, Senate also took the following action:

By 56 yeas to 41 nays (Vote No. 165), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to the bill. **Page S5640**

National Defense Authorization—Agreement: A unanimous-consent agreement was reached providing that at 3 p.m. on Monday, June 12, 2006, Senate begin consideration of S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces; that at 5:30 p.m., Senator Levin be recognized to offer an opening statement, following which, Senator Warner will then be recognized; and that no amendments be in order until Senator Warner is recognized. **Page S5674**

Stickler Nomination—Agreement: A unanimous-consent agreement was reached providing that on Tuesday, June 13, 2006, immediately following the official photograph of the Senate, Senate resume consideration of the nomination of Richard Stickler, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health; that there be 30 minutes under the control of the Chairman of the Committee on Health, Education, Labor, and Pensions, 15 minutes under the control of the Ranking Member of the Committee, and 15 minutes under the control of Senator Byrd for debate prior to the vote on the motion to invoke cloture; provided further, that if cloture is invoked on the nomination, Senate then vote immediately on confirmation of the nomination. **Page S5674**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 98 yeas (Vote No. EX. 166), Noel Lawrence Hillman, of New Jersey, to be United States District Judge for the District of New Jersey. **Pages S5640–44, S5675**

By unanimous vote of 98 yeas (Vote No. EX. 167), Peter G. Sheridan, of New Jersey, to be United States District Judge for the District of New Jersey. **Pages S5640–44, S5675**

Thomas L. Ludington, of Michigan, to be United States District Judge for the Eastern District of Michigan. **Pages S5640–44, S5675**

Sean F. Cox, of Michigan, to be United States District Judge for the Eastern District of Michigan. **Pages S5640–44, S5675**

Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador. **Pages S5646–53, S5675**

Messages From the House: **Page S5658**

Measures Referred: **Page S5658**

Enrolled Bills Presented: **Page S5658**

Executive Communications: **Pages S5658–59**

Executive Reports of Committees: **Page S5659**

Additional Cosponsors: **Pages S5660–61**

Statements on Introduced Bills/Resolutions: **Pages S5661–62**

Additional Statements: **Pages S5656–58**

Amendments Submitted: **Pages S5672–73**

Authorities for Committees to Meet: **Pages S5673–74**

Record Votes: Four record votes were taken today. (Total—167) **Pages S5628, S5640, S5643–44, S5644**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:53 p.m., until 9:30 a.m., on Friday, June 9, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5675.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: USAID

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs concluded a hearing to examine proposed budget estimates for fiscal year 2007 for the U.S. Agency for International Development, after receiving testimony from Randall L. Tobias, Administrator, U.S. Agency for International Development.

OVERHEAD IMAGERY SYSTEMS

Committee on Armed Services: Committee met in closed session to receive a briefing to examine the satellite system that allows the United States to gather images of military targets in other countries from Stephen A. Cambone, Under Secretary for Intelligence, and Donald M. Kerr, Director, National Reconnaissance Office, and General James E. Cartwright, USMC, Commander, U.S. Strategic Command, all of the Department of Defense; and Patrick F. Kennedy, Deputy Director of National Intelligence for Management, and Mary Margaret Graham, Deputy Director of National Intelligence for Collection, both of the Office of the Director of National Intelligence.

DATA LOSS

Committee on Armed Services: Committee met to receive a briefing regarding the loss of personal information regarding Department of Defense personnel as a result of the theft of a computer from a Department of Veterans Affairs analyst from Gail H. McGinn, Deputy Under Secretary for Plans, and Jeanne Fites, Deputy Under Secretary for Program Integration, both of the Department of Defense; Anita K. Blair, Deputy Assistant Secretary of the Navy for Total Force Transformation and Military Personnel Policy; Daniel B. Denning, Principal Deputy Assistant Secretary of the Army; and Lieutenant General Roger A. Brady, Deputy Chief of Staff of the Air Force for Personnel.

AL-ZARQAWI

Committee on Armed Services: Committee met in closed session to receive a briefing on the death in Iraq of insurgent terrorist leader Abu Musab al-Zarqawi from Lieutenant General James T. Conway, USMC, Director of Operations, J–3, and Rear Admiral David J. Dorsett, USN, Director of Intelligence, J–2, both of The Joint Staff.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Sheila C. Bair, of Kansas, to be a Member and Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, James B. Lockhart III, of Connecticut, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System, and Kathleen L. Casey, of Virginia, to be a Member of the Securities and Exchange Commission, after the nominees testified and answered questions in their own behalf.

OFFSHORE AQUACULTURE

Committee on Commerce, Science, and Transportation: Subcommittee on National Ocean Policy Study concluded a hearing to examine opportunities and challenges posed by offshore aquaculture and the Federal

government's role in setting the stage for more robust commercial production of cultured seafood, focusing on the development of the domestic marine aquaculture industry in the United States to meet the demand for seafood, after receiving testimony from Timothy R.E. Keeney, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, Department of Commerce; David Bedford, Alaska Department of Fish and Game, Juneau; John R. MacMillan, National Aquaculture Association, Buhl, Idaho; Tim Eichenberg, The Ocean Conservancy, San Francisco, California; and Marianne Cufone, Environmental Matters, Tampa, Florida.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of R. Hunter Biden, of Delaware, who was introduced by Senator Carper, and Donna R. McLean, of the District of Columbia, both to be a Member of the Reform Board (Amtrak), and John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration, Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board, who was introduced by Representative Issa, and Andrew B. Steinberg, of Maryland, to be an Assistant Secretary, all of the Department of Transportation, after the nominees testified and answered questions in their own behalf.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Philip D. Moeller, of Washington, who was introduced by Senators Murray and Cantwell, and Jon Wellinghoff, of Nevada, who was introduced by Senator Reid, each to be a Member of the Federal Energy Regulatory Commission, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following bills:

An original bill entitled, Medicare, Medicaid and SCHIP Indian Health Care Improvement Act of 2006; and

An original bill entitled, Improving Outcomes for Children Affected by Meth Act of 2006.

NON-GOVERNMENTAL ORGANIZATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the role of non-governmental organizations (NGOs) in the development of democracy, focusing on the contributions of NGOs, restrictions that a growing number of governments are placing on NGO activities, and how to protect NGOs work, after receiving testimony from Barry F. Lowenkron, Assistant Secretary of State for Democracy, Human Rights and Labor; and Carl Gershman, National Endowment for Democracy, Mark Palmer, Freedom House, Morton H. Halperin, Open Society Institute, and Thomas Carothers, Carnegie Endowment for International Peace, all of Washington, D.C.

ASIAN ADOPTIONS

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine the status of Asian adoptions in the United States, after receiving testimony from Senators Craig and Landrieu; Catherine M. Barry, Acting Assistant Secretary of State for Consular Affairs; Robert Divine, Acting Deputy Director, U.S. Citizenship and Immigration Services, Department of Homeland Security; Thomas Atwood, National Council For Adoption, Alexandria, Virginia; and Susan Soon-keum Cox, Holt International Children's Services, Eugene, Oregon.

NATIONAL EMERGENCY MANAGEMENT

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine ways to build an integrated preparedness and emergency management system, focusing on the status of the Federal Emergency Management Agency (FEMA) with the Department of Homeland Security, after receiving testimony from Michael Chertoff, Secretary, and Admiral Thad W. Allen, Commandant, U.S. Coast Guard, both of the Department of Homeland Security; Donald F. Kettl, University of Pennsylvania Fels Institute of Government, Philadelphia; and John R. Harrald, George Washington University Institute for Crisis, Disaster, and Risk Management, Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Andrew J. Guilford, to be United States District Judge for the Central District of California, and Charles P. Rosenberg, to be United States Attorney for the Eastern District of Virginia.

Also, Committee began consideration of :

S. 2453, to establish procedures for the review of electronic surveillance programs, agreeing to an amendment in the nature of a substitute, and S. 2468, to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, agreeing to an amendment in the nature of a substitute, but did

not take final action thereon, and recessed subject to call.

COMMISSION ON SAFETY AND ABUSE IN AMERICA'S PRISONS

Committee on the Judiciary: Subcommittee on Corrections and Rehabilitation held a hearing to examine the findings and recommendations of the Commission on Safety and Abuse in America's Prisons, which explored violence and abuse in America's prisons and jails and ways to make correctional facilities safer for prisoners and staff and more effective in promoting public safety and public health, receiving testimony from John J. Gibbons, Co-Chairman, Nicholas de B. Katzenbach, Co-Chairman, and Gary D. Maynard, Iowa Department of Corrections, and American Correctional Association, Marc H. Morial, National Urban League, and Pat Nolan, Prison Fellowship, and Justice Fellowship, all Commissioners, all of the Commission on Safety and Abuse in America's Prisons.

Hearing recessed subject to the call.

VETERANS' BENEFITS LEGISLATION

Committee on Veterans' Affairs: Committee concluded a hearing to examine pending benefits related legislation, including related measures S. 2121, S. 2416, S. 2562, S. 2659, S. 2694, and S. 3363, after receiving testimony from Senators Burns and Pryor; Ronald R. Aument, Deputy Under Secretary for Benefits, and John H. Thompson, Deputy General Counsel, both of Department of Veterans Affairs; Donald L. Ivers, Alexandria, Virginia, former Chief Judge of the United States Court of Appeals for Veterans Claims; and Quentin Kinderman, Veterans of Foreign Wars of the United States, Richard F. Weidman, Vietnam Veterans of America, and Barton F. Stichman, National Veterans Legal Services Program, all of Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 16 public bills, H.R. 5553–5568; 4 private bills, H.R. 5569–5572; and 2 resolutions, H. Con. Res. 425 and H. Res. 856, were introduced. **Pages H3641–42**

Additional Cosponsors: **Pages H3642–43**

Reports Filed: Reports were filed today as follows:

H.R. 5293, to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, with an amendment (H. Rept. 109–493); and Conference report on H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, (H. Rept. 109–494). **Pages H3587–H3627, H3641**

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2007: The House began consideration of H.R. 5522, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007. Further consideration is expected to resume tomorrow, Friday, June 9th.

Pages H3518–48

Agreed to limit the number of amendments made in order for debate and the time limit for debate on each amendment during further proceedings.

Pages H3546–47

Agreed to:

Lynch amendment to increase funding (by offset) by $5 million for the State Department's program of nonproliferation, anti-terrorism, demining and related programs and activities; and **Page H3533**

Millender-McDonald amendment to increase funding for Bilateral Economic Assistance by $2 million (by offset). **Pages H3532–34**

Rejected:

Obey motion that sought to increase funding for International Disaster and Famine Assistance for Sudan by $50 million and for the Department of State Global HIV/AIDS Initiative by $50 million by offsetting funding for Egypt by $100 million (by a recorded vote of 198 ayes to 225 noes, Roll No. 236). **Pages H3537–46, H3547–48**

Postponed proceedings:

Blumenauer amendment (No. 1 printed in the Congressional Record of June 7th) increases funding for the Development Assistance account by $250 million (by offset) to provide clean water and anti-poverty assistance. **Pages H3535–37**

H. Res. 851, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question without objection.

Pages H3502–06

Committee Resignation: Read a letter from Representative DeLay wherein he resigned from the Committee on Appropriations, effective immediately.

Pages H3548–50

Communications Opportunity, Promotion, and Enhancement Act of 2006: The House passed H.R. 5252, to promote the deployment of broadband networks and services, by a yea-and-nay vote of 321 yeas to 101 nays, Roll No. 241. **Pages H3551–87**

Rejected the Solis motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same forthwith to the House with amendments, by a yea-and-nay vote of 165 yeas to 256 nays, Roll No. 240, after ordering the previous question. **Pages H3583–86**

Agreed to:

Barton Manager's amendment (No. 1 printed in H. Rept. 109–491) clarifies the following: (1) what constitutes a franchise area; (2) that a person or group seeking authority to provide service under a national franchise must agree to comply with all requirements the FCC promulgates pursuant to the consumer protection and customer service provisions in the bill; (3) that anyone with a national franchise shall be subject to all the cable operator provisions of Title VI of the Communications Act except for the ones specifically expected in the bill; and (4) that nothing in the legislation affects existing pole attachment law; **Pages H3569–70**

Wynn amendment (No. 3 printed in H. Rept. 109–491) allows a franchising authority to issue an order requiring compliance with FCC revised consumer protection rules; **Pages H3571–73**

Johnson, Eddie Bernice, of Texas, amendment (No. 4 printed in H. Rept. 109–491) increases discrimination penalty from $500,000 to $750,000 for a cable operator that denies access to cable service to residents because of the income of that group;

Pages H3573–74

Rush amendment (No. 5 printed in H. Rept. 109–491) sets forth a complaint process to resolve fee disputes between a local franchise authority and a cable operator. A franchise authority or a cable operator must provide written notice to each other if there is a dispute regarding franchise fees or PEG/I–Net support. Both parties must meet within 30 days of notification. If the local franchise authority and the cable operator have not resolved the dispute within 90 days then both parties can petition the FCC to resolve the complaint. The FCC has 90 days to resolve any fee disputes. The amendment provides a 3-year limitation in bringing a complaint to the FCC regarding fee disputes; **Pages H3574–75**

Gutknecht amendment (No. 8 printed in H. Rept. 109–491) preserves FCC authority to require VOIP providers to: (1) Contribute to the Federal universal service fund when they interconnect, either directly or indirectly, with incumbent local exchange carrier networks; and (2) Properly compensate network owners for the use of their network just as incumbent and competitive carriers do today; and

Pages H3581–82

Smith of Texas amendment (No. 5 printed in H. Rept. 109–491) clarifies that the language in section 201 (i.e. the new section 715(b)(3) of the Communications Act) that gives exclusive authority to the FCC to adjudicate complaints concerning network neutrality does not affect the applicability of the antitrust laws to cases involving network neutrality or the jurisdiction of the courts to hear such cases (by a recorded vote of 353 ayes to 68 noes, Roll No. 238). **Pages H3575–76, H3582–83**

Rejected:

Markey amendment (No. 7 printed in H. Rept. 109–491) seeks to restore important non-discrimination requirements enforced by the Federal Communications Commission that from the inception of the Internet until August of 2005 were binding on telecommunications carriers. This amendment essentially has 3 parts: (1) provides a policy statement in addition to the general duties of broadband network providers; provides for preserved rights and exceptions to the general statutory duties in the first part; and provides an expedited complaint process and an antitrust savings clause (by a recorded vote of 152 ayes to 269 noes, Roll No. 239). **Pages H3576–80, H3583**

Withdrawn:

Jackson-Lee of Texas amendment (No. 2 printed in H. Rept. 109–491) reduces the fee paid to local franchise authorities for PEG/iNet support by women-owned, small businesses, and socially and economically disadvantaged firms from 1% to 0.5%.

Pages H3570–71

H. Res. 850, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 262 yeas to 151 nays, Roll No. 237, after agreeing to order the previous question.

Pages H3506–18, H3550–51

A point of order was raised against the consideration of H. Res. 850 and it was agreed to proceed with consideration of the resolution, by a yea-and-nay vote of 254 yeas to 166 nays, Roll No. 235.

Pages H3507–10

Senate Message: Message received from the Senate today appears on page H3499.

Amendments: Amendments ordered printed pursuant to the rule appear on page H3643.

Quorum Calls—Votes: 4 yea-and-nay votes and 3 recorded votes developed during the proceedings of today and appear on pages H3509–10, H3547–48, H3550–51, H3582–83, H3583, H3586, and H3586–87. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12 midnight.

Committee Meetings

IRANIAN THREAT ASSESSMENT

Committee on Armed Services: Held a hearing on Assessing the Iranian Threat, Its Geopolitics, and U.S. Policy Options. Testimony was heard from Patrick Clawson, Deputy Director, Research, The Washington Institute for Near East Policy; and Ray Takeyh, Senior Fellow for Middle Eastern Studies, Council on Foreign Relations.

LINE ITEM VETO, CONSTITUTIONAL ISSUES

Committee on the Budget: Continued hearings on the Line Item Veto, Constitutional Issues. Testimony was heard from Louis Fisher, Specialist at the Law Library, Library of Congress; and public witnesses

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action the following: S. 655, A bill to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention; the Community Health Center Reauthorization Act of 2006; the Children's Hospitals Graduate Medical Education Payment Program Reauthorization Act of 2006; and H.R. 4157, amended, Health Information Technology Promotion Act of 2005.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Housing and Community Opportunity approved for full Committee action the following bills: H.R. 5443, amended, Section 8 Voucher Reform Act of 2006; H.R. 5393, Natural Disaster Housing Reform Act of 2006; H.R. 5527, Mark-to-Market Extension Act of 2006; and H.R. 4804, amended, FHA Manufactured Housing Loan Modernization Act of 2006.

MISCELLANEOUS MEASURES

Committee on Government Reform: Ordered reported the following measures: H. Res. 826, Expressing the sense of the House of Representatives that a National Youth Sports Week should be established; H.R. 1167, amended, To amend the Truth in Regulating Act to make permanent the pilot project for the report on rules; H.R. 4416, To reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children; H.R. 4809, Regulation in Plain Language Act of 2006; H.R. 5216, Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act of 2006; H.R. 5525, Reservists Pay Security Act of 2006; S. 959, amended, Star-Spangled Banner and War of 1812 Bicentennial Commission Act; H.R. 5169, To designate the facility of the United States Postal Service located at 1310 Highway 64 NW, in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office;" H.R. 5194, to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office Building;" H.R. 5224, To designate the facility of the United States Postal Service located at 350 Uinta Drive in Green River, Wyoming as the "Curt Gowdy Post Office Building;" H.R. 5426, To designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois as the "Congressman Owen Lovejoy Post Office Building;" H.R. 5428, To designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Princeton Post Office Building;" H.R. 5434, To designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office;" H.R. 5504, To designate the facility of the United States Postal Service at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building; H.R. 5540, To designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sgt. Jacob Dan Dones Post Office;" H. Res. 498, Supporting the goals and ideals of School Bus Safety Week; and S. 1445, A bill to designate the facility of the United States Postal Service located at 520 Colorado Avenue in Arriba, Colorado, as the "William H. Emery Post Office."

SECURITY OF PERSONAL INFORMATION AT FEDERAL AGENCIES

Committee on Government Reform: Held a hearing entitled "Once More into the Data Breach: The Security of Personal Information at Federal Agencies." Testimony was heard from Clay Johnson III, Deputy Director, Management, OMB; R. James Nicholson, Secretary of Veterans Affairs; David M. Walker, Comptroller General, GAO; William E. Gray, Deputy Commissioner, Systems, SSA; and Daniel Galik, Chief Mission Assurance and Security Services, IRS, Department of the Treasury.

OVERSIGHT—ELECTION ASSISTANCE COMMISSION

Committee on House Administration: Held a hearing entitled "Oversight Hearing on the Election Assistance Commission." Testimony was heard from the following officials of the Election Assistance Commission: Paul S. DeGregorio, Chairman; Ray Martinez

III, Vice Chairman; Donetta L. Davidson and Gracia M. Hillman, both Commissioners.

OVERSIGHT—REVIEW IRAQ RECONSTRUCTION

Committee on International Relations: Held an oversight hearing to review Iraq Reconstruction. Testimony was heard from the following officials of the Department of State: James Jeffrey, Senior Advisor to Secretary Rice and Coordinator for Iraq; and James R. Kunder, Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development; and Stuart W. Bowen, Jr., Special Inspector General, Iraq Reconstruction.

OVERSIGHT—REMOVING AFRICAN ENTREPRENEURIAL OBSTACLES

Committee on International Relations: Subcommittee on Africa, Global Rights and International Operations held an oversight hearing on Removing Obstacles for African Entrepreneurs. Testimony was heard from Manuel A. Rosales, Assistant Administrator, Office of International Trade, SBA; and public witnesses.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 4772, Private Property Rights Implementation Act of 2005. Testimony was heard from Daniel L. Siegel, Supervising Deputy Attorney General, State of California; and public witnesses.

REFORMING MECHANICAL MUSIC LICENSING

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property approved for full Committee action H.R. 5553, Section 115 Reform Act of 2006.

OVERSIGHT—WESTERN HEMISPHERE PASSPORT REQUIREMENTS

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled ''The Need to Implement WHTI to Protect U.S. Homeland Security.'' Testimony was heard from Paul Rosenzweig, Acting Assistant Secretary, Policy Development, Department of Homeland Security; and public witnesses.

NOAA'S WEATHER SATELLITE PROGRAM

Committee on Science: Held a hearing on The Future of NPOESS: Results of the Nunn-McCurdy Review of NOAA's Weather Satellite Program. Testimony was heard from Ronald M. Sega, Under Secretary, Air Force, Department of Defense; VADM Conrad C. Lautenbacher, Jr., USN, (Ret.) Under Secretary, Oceans and Atmosphere, and Administrator, NOAA, Department of Commerce; and Michael Griffin, Administrator, NASA.

BROWNFIELDS PROGRAM REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Reauthorization of the Brownfields Program—Successes and Future Challenges. Testimony was heard from Susan Parker Bodine, Assistant Administrator, Office of Solid Waste and Emergency Response, EPA; John M. Magill, Deputy Director, Department of Development, State of Ohio; and public witnesses.

VETERANS MEASURES—OVERSIGHT—VA'S FIDUCIARY PROGRAM

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action the following bills: H.R. 601, Native American Veterans Cemetery Act of 2005; and H.R. 4843, Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

The Subcommittee held an oversight hearing on the Veterans Benefits Administration's fiduciary program, including implementation of Title V of Public Law 108–454. Testimony was heard from Renee L. Szybala, Director, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs.

BRIEFING—GLOBAL UPDATES/HOTSPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Updates/Hotspots. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 9, 2006

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''Cyber Security Challenges at the Department of Energy,'' 10 a.m., 2123 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, June 9

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m. Friday, June 9

House Chamber

Program for Friday: Resume consideration of H.R. 5522—Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2007.

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