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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:

''O Lord, have pity on us, for You we wait. Be our strength every morning, our salvation in time of trouble.''

Lord, it takes a great deal of humility for believing people to accede to Your will. Sometimes faith builds such strong convictions in us, Lord, that we can easily have only our own ideas as to how and when You will answer our prayers. Often we do not remain open to other responses or we become impatient with Your unsearchable ways.

Very often, Lord, we profess strong faith in Your providential ways, but it is Your art of timing we find difficult to accept. So confirm us, as a nation of idealists, who will continue to have confidence even during the test of timing.

Have pity on us, Lord, as we wait for You to answer our prayers 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 gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY 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.

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER. The Chair will entertain five 1-minutes on each side.

NEVER SURRENDER

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

Ms. FOXX. Mr. Speaker, last week we debated the very important issue of how we are going to confront the global war on terror: Are we going to confront this challenge, or are we going to retreat and defeat? Republicans are dedicated to confronting this challenge and will continue to offer the American strong national security policies that will protect this Nation against another attack on their own soil. We will continue to trumpet successes such as the elimination of al Zarqawi and the Iraqi Government naming new interior defense and security ministers.

Democrats, though, are too eager to grasp upon the challenges we face as their rationale to defeat. Even the death of the terrorist al Zarqawi only brought cries of retreat and claims that it was only ''a stunt.'' And just last week, 149 Democrats voted against a resolution declaring that the United States will prevail in the war on terror.

Mr. Speaker, President Kennedy once said, ''The cost of freedom is always high, but Americans have always paid it, and one path we shall never choose and that is the path of surrender or submission.''

When it comes to the global war on terror, we must never choose the path of surrender.

WHAT IS WRONG WITH THIS CONGRESS

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

Mr. KUCINICH. Mr. Speaker, the last 24 hours will tell you everything you need to know about what is wrong with this Congress: hold up voting rights, knock down the minimum wage increase, relieve the superrich of responsibility for paying estate taxes, keep sending our children to fight and die in a war based on lies. That, by the way, is the real death tax, and it is paid by the poor and the middle class. Our new motto should be: United We Stand, Sure, But Divided We Profit.

H.R. 5638, the estate tax legislation, should be more accurately described as the American Idle Act, I-D-L-E, because it relieves the children of billionaires and multi-multi-millionaires of over one-quarter of a trillion dollars in estate taxes in just 5 years starting in 2013. The $2,600 per taxpayer loss of revenue will take money from our schools and from our health care and from senior citizens programs.

The Bible says it is easier for a camel to get through the eye of a needle than for a rich man to get to heaven. Here in Washington, the superrich ride elephants, and some donkeys, to get to their alabaster heaven where they pay no taxes.

EXCESSIVE REGULATIONS ON SMALL BUSINESS OWNERS

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

Mrs. KELLY. Mr. Speaker, we have passed important legislation in this Congress to help America's small businesses; we have passed legislation to help make health insurance more affordable and accessible, and legislation to provide tax relief. But we need to continue demonstrating our commitment to helping small businesses in New York and throughout the country by passing legislation that I have introduced to help relieve the excessive regulatory burden on small businesses.

The Cut Unnecessary Regulatory Burden For Small Business Act, passed by the House Government Reform Committee earlier this month, would

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enable Congress to better eliminate excessive Federal regulations that hamper small business, job growth, and productivity.

When Federal agencies overregulate small business owners, it forces them to spend extra time and money and manpower completing endless paperwork instead of growing their businesses and creating new jobs. In small business forums and small business walks I have held throughout the year in the Hudson Valley of New York, excessive regulations were cited by small business owners as one of the major problems they are facing. And every small business spends $7,0000 per employee per year on regulatory compliance costs.

Let us help small business remain vibrant and strong, not overregulate it. Let us pass the CURB Act.

TRIBUTE TO LATE GOVERNOR BILL DANIEL

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

Ms. BORDALLO. Mr. Speaker, I rise today to pay tribute to the late Bill Daniel, a former Governor of Guam, who passed away on Tuesday at his home in Liberty, Texas.

Governor Daniel was a close family friend whose legacy has left an indelible imprint on the people of Guam. He served as Guam's Governor from 1961 to 1963 and was appointed to the post by President John F. Kennedy. He resigned to allow Manuel Guerrero, his friend and protege, to succeed him as Governor.

Governor Daniel was a gifted and hands-on leader who adopted Guam as his second home. During his tenure, the Navy security clearance requirement for persons traveling to and from Guam was lifted. The University of Guam was elevated to a 4-year institution. Our visitor industry took root, and our agricultural program was upgraded.

Our thoughts and prayers are with his daughters Ann, Susan, and Dani, and the entire Daniel family.

A TRIBUTE TO PRIVATE FIRST CLASS STEVEN WILLIAM FREUND

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

Mr. MURPHY. Mr. Speaker, I rise to pay tribute to a courageous hero of the war on terror, Private First Class Steven William Freund.

Steven Freund of Pleasant Hills, Pennsylvania, attended Thomas Jefferson High School, and he loved to hunt and fish and do just about anything outdoors. He joined the Marines and served in Iraq for 6 months, already escaping two separate roadside bombs. It was dangerous there, and he knew that, but he strongly believed in and was dedicated to America's mission.

But on May 23, Private Freund made the ultimate sacrifice for his mission and the Nation he loved. He was tragically killed by a third roadside bomb while riding in a Humvee conducting combat operations outside Fallujah.

Private Freund is survived by his father, Steven Freund, his brother Mark Menzietti, sister Angela Menzietti, cousins Matt Freund, Jason Eiben and Justin Eiben, and his aunt Donna Eiben of Pittsburgh, who was his legal guardian.

His funeral was a solemn, but beautiful, service that I attended, along with many friends and family. After the funeral, he was awarded the Purple Heart and the Navy and Marine Corps Achievement Medal with combat cluster in a graveside ceremony.

Mr. Speaker, I know that I speak for this entire body when I express the deepest condolences to his family on behalf of a grateful Nation. Semper Fi, Private Freund.

RAISE THE MINIMUM WAGE

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

Mr. CARNAHAN. Mr. Speaker, this Congress has been consumed with giving tax breaks for the wealthiest Americans, and it is time we look at some of the average Americans and facts about the minimum wage.

Congress has not raised the minimum wage since 1997. The minimum wage is now at its lowest level in 50 years adjusted for inflation. Does anyone really believe it is possible to make even the most basic ends meet on $5.15 an hour? A minimum-wage worker working full time all year will earn just $10,700. It takes a full day's pay for a minimum wage earner to pay for one tank of gas today.

6.6 million people will benefit from a rise in the minimum wage. Eighty-six percent of Americans support the rise in a minimum wage according to a Pugh poll in December of 2005. It is time this Congress listened to the American people and minimum-wage workers, and it is time that we act.

LINE ITEM VETO IS A COMMONSENSE SOLUTION

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

Mr. PRICE of Georgia. Mr. Speaker, today we will be debating the line item veto. Now, if you ask my constituents, this is an issue that doesn't need much debate. Giving the President the ability to cut wasteful spending should go hand in hand with fiscal responsibility.

Since coming to Congress 1½ years ago, it has become crystal clear to me, as it was to President Reagan, that Washington doesn't have a revenue problem; it has a spending problem.

The line item veto is a commonsense solution. Greater transparency to the earmark process and backing it up with a 2-week window for Congress to ratify the President's actions will allow us to address unnecessary new spending, one of the biggest long-term challenges of the Federal budget. Mr. Speaker, when we use tools to cut wasteful spending and work toward achieving a balanced budget, the beneficiaries are hardworking American taxpayers. If we truly stand for fiscal restraint, we must pass the line item veto. I call on all of my colleagues, Republicans and Democrats, to support this commonsense, positive move to provide greater responsibility to the budget process.

THIS COUNTRY NEEDS A NEW DIRECTION

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the Bush economy continues to be unfriendly to America's workers. Earlier this month, we learned that employers added only 75,000 jobs to their payrolls in May, about half of what we need just to keep up with normal growth in the labor market. Wage growth was disappointing again in May, continuing a pattern in which workers cannot get ahead of rising costs in gasoline, housing, health care, and on education for their children, even though their productivity keeps growing.

The benefits of economic growth under President Bush are showing up in the bottom lines of companies and in the pockets of shareholders, but not in the paychecks of America's workers. Mr. Speaker, this country needs a new direction.

LONE STAR VOICE: DONALD DOIRON

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

Mr. POE. Mr. Speaker, in the border security debate, those that want to allow more illegals in this country just changed the definition of words to make it politically correct to accept illegals. But American citizens are not fooled. Donald Doiron of Nederland, Texas, writes to me:

''Since hearing the plan for treating illegals as guest workers, I have now undergone a complete reversal in my understand of the proper meaning of words. I used to believe that the definition of guest is one that is invited. Now I am told this is no longer correct.

''For instance, if a burglar breaks into my home, he really becomes a guest who is only working for a better life. Because he broke in for that reason, I must accept the obligation to provide him a job, health care, education, transportation, and living quarters for him and his family. I feel so much better now.''

Mr. Speaker, no matter how one puts the political spin, it is still illegal to

enter the United States without permission. What part of illegal do the anarchists that want lawless borders fail to understand?

And that's just the way it is.

SLOGANS DO NOT REPLACE SOLUTIONS

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

Mr. EMANUEL. Mr. Speaker, if there is one thing we have learned from the Republican Congress in the last 6 years, it is that slogans do not replace solutions.

On immigration, House Republicans talk a lot, but there is no action after 6 years. They thunder about immigrant families; but when it comes to forcing big business to comply with our immigration laws, they have raised the white flag. Under the Republican leadership from 1999 to 2003, work-site enforcement of immigration laws were cut back 95 percent. In 1999, the Federal Government prosecuted 182 employers for hiring illegal aliens. In 2003, that dwindled down to just four.

The Republican leaders have also raised the white flag on border security, voting against implementing the 9/11 Commission recommendations. With all their hot rhetoric about terrorism, you would think they would at least provide support for homeland security programs. But they have waved the white flag here, too, cutting $48 million from Customs and Border Security Protection. They want to run a single-issue campaign on immigration on which they haven't done a single thing. The Republican Congress has a 6-year record of failure. Hot rhetoric has not masked failed results.

Mr. Speaker, one thing is clear: when it comes to addressing real immigration challenges facing our Nation, the Republican Congress is all hat and no cattle. It is time for a new direction. It is time for results.

□ 1015

AMENDMENT PROCESS FOR H.R. 4973, FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules may meet the week of June 26 to grant a rule which would limit the amendment process for floor consideration of H.R. 4973, the Flood Insurance Reform and Modernization Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 12 noon on Monday, June 26, 2006. Members should draft their amendments to the text of the bill as reported by the Committee on Financial Services.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 885 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 885

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes. The bill shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. 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. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 885 is a closed rule providing 1 hour of general debate in the House on H.R. 5638, the Permanent Estate Tax Relief Act, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill and provides that the amendment printed in the Rules Committee report accompanying this resolution shall be considered as adopted.

Finally, Mr. Speaker, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, in 2001, Congress acted in a bipartisan fashion to gradually phase out the death tax and eliminate it by 2010. However, if Congress does not act to extend this relief, in 2011 small business owners and family farmers will once again be assessed the full death tax up to the maximum 2001 rate of 55 percent.

The death tax is a form of double taxation, and frankly, Mr. Speaker, it is simply unfair.

The last thing families in central Washington and across the Nation should have to worry about when a loved one dies is losing a family farm or business in order to pay the Internal Revenue Service. But sadly, that is the situation many hard-working families could face if a permanent and workable solution is not agreed to.

H.R. 5638, the Permanent Estate Tax Relief Act, would provide estate and gift tax relief to America's small business owners and family farmers. Specifically, the bill would increase the exemption from $1 million to $5 million per person, indexed for inflation, and it would lower the amount of taxation on estates.

The bill would also provide tax relief for gifts given during a person's life. Currently, gifts given when a person is alive are taxed more than gifts given through a will or death. By reunifying estate, gift and generation-skipping transfer taxes, we give individuals greater flexibility to give gifts during their life rather than at death.

I am also pleased that this legislation creates a new 60 percent deduction for qualified timber capital gains through 2008. In my State of Washington, there are 8.5 million acres of privately owned forests, and the forest parks industry is the State's second largest manufacturing sector.

However, the current Tax Code puts our timber industry at a distinct disadvantage against international competition by subjecting corporate timber and forest product industries to a significantly higher income tax than their overseas competitors. Included in the underlying bill is a provision that lowers the timber tax and supports an industry that provides good jobs in many rural communities, while strengthening its international competitiveness.

Mr. Speaker, last year I, along with 271 other Members of the House, supported a measure that would permanently and fully eliminate the death tax. While permanent elimination of this tax is what I will continue to work with my colleagues on both sides to accomplish, this relief measure is a step in the right direction.

The Rules Committee reported House Resolution 885 by a voice vote last night. Accordingly, I urge my colleagues to support both the rule and the underlying bill.

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, I appreciate my Republican colleagues for providing the American people with

the clearest possible demonstration of just how stark the differences are between the priorities of our Nation's two major parties.

We have before us a bill whose sole purpose, the sole purpose is to funnel as much as $1 trillion over the next decade to a mere handful of our Nation's richest families.

It is telling that Republican leadership is so committed and so determined to see this legislation through that it called an emergency meeting of the Rules Committee last night to make sure it reached the floor this morning, even though it will not take effect for 4 years.

Now, let me tell you a bill that will expire is the Voting Rights Act, but we could not deal with that. This is the Republican definition of a national emergency, to get as much money as we can to the richest among us. It is not unprecedented national debt. That does not bother them. The struggling middle class? No. Or the fact that tens of millions of Americans scrape by from paycheck to paycheck, scrape by without health insurance, without help and, in many cases, without hope.

To get this bill to where it is today, the Republicans had to ignore the needs of virtually every American citizen. The repeal of the estate tax will benefit less than 1 percent of the people in this country, but those few individuals that it helps will profit handsomely.

Take Lee Raymond, the former CEO of ExxonMobil, who recently secured a retirement package worth almost $400 million, and who last year made more in a single day, probably in a single hour, than the average American family makes in an entire year. Lee stands to gain up to $211 million from this legislation that he will not pay taxes on.

President Bush, Vice President CHENEY and the officers of the Cabinet will not do so badly either. Together they will pocket anywhere from $91 million to $344 million. Just the Cabinet.

People like these are among the three-tenths of 1 percent of superrich Americans who pay an estate tax, and that is it. The other 99.7 percent do not see a dime. Such an astonishingly lopsided outcome is to be expected when we realize who is actually behind this bill.

A recent report from the group Public Citizenry revealed that 18 of the richest families in America, families worth a combined total of $185 billion, have been conducting a concerted and clandestine campaign on its behalf for a decade. We are talking about families that are heirs to the fortunes of families like Wal-Mart, Campbell's Soup and Mars, Incorporated. These 18 families, Mr. Speaker, have spent $490 million in the last decade in their effort to pass this bill. Imagine that, $490 million to lobbyists, and if it does pass, their investment will certainly have been worth it because over $70 billion will be headed their way.

For years, supporters of a repeal of the estate tax have claimed that the people they really want to help are America's small businesses and farmers. Well, as is so often the case, that is a lie. Small business families rarely, if ever, pay estate taxes, and the American Farm Bureau, one of the leading proponents of this repeal, has failed to provide even one legitimate example of a family that lost its farm because of estate tax requirements.

This is the kind of government Republicans have used their time and power to give us, Mr. Speaker. Multibillionaires say, jump, and the majority says, how high?

Bills like this are so outlandish and so entirely justifiable, they would be comical if they were not an assault on the strength of our Union, which is, I might remind everyone, at war.

Consider the opportunity cost of this bill. For the up to $1 trillion Federal that this leadership plans to give away, we could fully insure every single American who does not have health insurance, all 44 million of them. Think of that. We could fully fund the Medicare part D prescription plan. We could pay for all military operations in Iraq and Afghanistan, and then we could use the money left over from that to fully fund No Child Left Behind, and, finally, give every child in America the education the President promised when he took office.

The sad thing is that what we have today is exactly the kind of legislation Americans should expect the majority, whose leader has bragged about never having voted for an increase in the minimum in his 25 years in politics, that is what we should expect from a party that would not allow the Congress to adjust the minimum wage for inflation, a party that would have, over the decades, permitted it to remain at the pathetic $3.35 an hour.

I would challenge my friends on the other side of the aisle to try surviving on that one for a month, Mr. Speaker, and think about the trillionaires who are going to say this is chump change to them, and they do not care. But the notion that they would say if taking away the taxes of the very rich would stimulate the economy, while increasing the pay of the weakest among us, the people who are least paid, will hurt the economy, is an absurdity on its face.

Mr. Speaker, this is a telling moment for this country. It is a moment in which this leadership clearly demonstrates once and for all what its priorities are. It is making the decision that educating our children is not worth the investment, that ensuring our parents and grandparents receive the prescription drugs they need is not worth the investment; that fixing our broken health insurance system is not worth the investment; that curbing our crushing national debt is not worth the investment; but investing in the ultrarich is worth every single dime that can be squeezed out of the Federal Treasury.

The bill embodies the very definition of ''America for Sale.'' Today's Republicans are alone in this belief, Mr. Speaker. Great leaders throughout the history of our Nation have understood that our collective strength lies in our support for the working and the middle class. They have understood that the extreme polarization of wealth this majority is ushering in is fundamentally bad for America, and among those who believe that are Bill Gates and Warren Buffett.

I implore my friends on the other side of the aisle, for the sake of our children, for the sake of our future, for the sake of our military, for the sake of common decency, defeat this bill and begin again to work for the people of this Nation and not against them.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I think it is worthwhile just to put a little bit of the historical context on this issue because it has been around for some time.

In the 106th Congress, for example, in the year 2000, the House passed a bill to phase out the death tax in 10 years and permanently repeal it. When it passed the House, it got 279 votes, obviously bipartisan. Sixty-five Democrats voted for it. In the other body, in the Senate, it passed the Senate with 59 votes, obviously on a bipartisan basis. Unfortunately, that bill was vetoed by the President in the 106th Congress.

So, in the 107th Congress, in 2001, once again, the House passed the bill to permanently repeal the tax, phase it out over 10 years, and that bill garnered 274 votes, again a bipartisan vote out of the House.

□ 1030

Unfortunately, in the Senate, we were unable to get a full repeal and, instead, the death tax was phased out over 10 years, but would revert in 2011 to the 2001 rate. The expectation, of course, was that the Congress would deal with that before 2011 and fully repeal it.

In the 108th Congress, once again the House passed a bill to fully repeal the death tax, 264 votes out of the House, again on a bipartisan basis; and in the 109th Congress, this Congress, once again the House passed a full repeal, 272 votes, again on a bipartisan basis, with Democrats joining Republicans to repeal it.

The unfortunate thing is this leads us to where we are right now, and that is that the cloture motion failed in the Senate. It takes 60 votes in order to cut off debate in the Senate; and, unfortunately, the Senate only received 57 votes. So, therefore, that issue won't be taken up.

This is an effort, then, to try to get to a position where we can pass this bill out of the House and in fact pass it out of the Senate so that we can have some certainty as far as estate planning. So this issue has been around for some time. It has always enjoyed bipartisan support.

This rule simply provides for us to continue what we have been doing in the last four Congresses, and that is to pass and address this issue in a bipartisan manner. This issue has been around, I think it is timely, in fact, it is time for us to act on this. Accordingly, I urge my colleagues to support the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the ranking leader for yielding me the time.

Mr. Speaker, once again this House will consider an estate tax cut for the wealthiest people in the United States. Once again the Republican leadership is forcing their chosen bill through the House without the opportunity for any alternative, even though Democrats asked for and presented a germane substitute before the Rules Committee last night.

Last night, the Rules Committee rushed this bill through under ''emergency procedures.'' That is right, the Republican leadership considers it an emergency to pass a tax cut for some of the wealthiest people on the planet, a tax cut that won't take effect for 4 years.

Mr. Speaker, the real emergency is what is happening to American workers. We are considering another estate tax cut for the wealthy during the same week that this Republican leadership killed an increase in the minimum wage for America's lowest-income workers.

Last week, the Appropriations Committee approved an increase in the minimum wage and included it in the Labor-HHS-Education appropriations bill, but the majority leader quickly said that the House will not consider that provision. This week, the Appropriations Committee defeated a similar effort.

Mr. Speaker, in 1997, nearly a decade ago, this Congress raised the Federal minimum wage to $5.15 an hour. Since the last increase, Congress has voted itself a raise nine times, increasing its own salary by $35,000. Now, in contrast, Mr. Speaker, a person earning the minimum wage over that same time continues to earn only $10,712 per year.

The Republican leadership should ask the minimum-wage family whether their health care costs, their property taxes, their heating and gasoline bills, or tuition for their kids have stayed as flat as the minimum wage. Of course not.

Here is what it boils down to: the Republican leadership has decided it is more important to protect estates that are worth at least $10 million instead of helping to increase people making just $11,000 a year in salary. Mr. Speaker, we have an emergency in our country. We do have an emergency in our country: working families are struggling each and every day. They deserve a raise more than millionaires deserve another tax break.

We should be debating today an increase in the minimum wage for workers in this country. We should be doing something that will make a difference in the lives of people who are struggling in this country. And, instead, here we go again bringing the estate tax bill up again, a bill that benefits mostly people who are very well off. We can do much better than this. We need to get our priorities straight.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding time on this important issue. I do rise in support of the permanent Estate Tax Relief Act of 2006, although I am mindful, as I listen to my good friend who just spoke about the estate tax, of what Confucius once wrote a millennium ago. He said: ''When words lose their meaning, men lose their liberty.''

I would prefer in the balance of my remarks to speak not about an estate tax, because I do not know too many estates in eastern Indiana, but I would rather talk about the death tax, because this is a tax that is death to the American Dream for small business owners and family farmers all across eastern Indiana.

It is why, Mr. Speaker, I have dedicated myself in my nearly three terms in Congress to the principle of ending this immoral tax, a tax which, by the way, was instituted in 1916 primarily to raise revenues for World War I. It was a product of a time where the redistribution of wealth was seen globally to be an acceptable practice of economics. It was the very nascent time of socialism on the world stage, and America embraced this principle of redistribution with the estate tax in 1916.

Let me just say that I believe death taxes are immoral. I believe it is morally wrong to make death a taxable event. I believe it is also morally wrong to say to small business owners and family farmers and any American, whatever their means, that after a lifetime of obeying the law and a lifetime of paying your share honestly and legally to the Federal Treasury that we will make your death a taxable event.

So I want to say today that I still believe that we ought to repeal the death tax, and the legislation we will consider under this rule does not repeal, but I want to say that it is relief and it is progress and this Congress should embrace it.

The estate tax relief provided in previous legislation is scheduled to end in 2010, and what we will pass today will literally bring permanent estate tax relief to millions of American families, especially increasing the exemption to $5 million per person effective January 1, 2010. So let me emphasize that what we will do today is not repeal, but it is relief; and I want to recognize that progress and embrace it.

Let me close with a word of caution to our colleagues who may think of this as a starting point, that this is a deal, Mr. Speaker, that we can send down the hallway and we can negotiate from: let me say, having spoken to many of my colleagues who share my belief that we should repeal this onerous death tax outright, that if this is the deal, it is a good deal for the American people. But we say with conviction: this far and no farther. We must demand, at the very minimum, this relief stand when this bill goes to the desk of the President of the United States.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York, the ranking member of the Ways and Means Committee, Mr. RANGEL.

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

Mr. RANGEL. Thank you so much for yielding me time. I think we are getting closer to the truth when the previous speaker spoke out as to why we have an inheritance tax in the first place. And while he talked about World War I, I think he was emphasizing what he called a socialistic type of government, where redistribution of the wealth was the issue rather than the actual resources that are raised.

I am convinced that a large number of people, especially the Republicans in this House, look at this not as a revenue issue but as a policy issue. Oh, yes, they call it the death tax because they think this is a way of packaging something, saying that death should not be a taxable event. But realistically, if you are dead, you certainly are relieved of your taxes. So it is the live people you are talking about; people who have hopes and dreams that they would be able to acquire the inheritances of those that preceded them.

So the real reason, perhaps, of having this tax was to make certain we had a middle class, that you did not find the superwealthy being able to influence the politicians and the Congress. And if that was the reason, and I will have to research it, even though some experts thought there was a social policy reason, if ever there was a time to review this policy, it would be now.

The Joint Economic Committee, which is not Republican or Democrat, has indicated that under existing law, when the estate tax goes to $3.5 million, an estate that would be exempt, and $7 million that would be exempt, they say that we would be talking about only 7,500 actual estates. Now, if this does cost $800 billion, or close to $1 trillion, then what we are arguing about is whether or not 7,500 people could cause us to go into the deficit further by having their benefits restored.

In other words, what we are saying here is that while the Nation is at war,

while we are spending $300 billion or $400 billion, while we have a $9 trillion debt, while we are cutting even the services of veterans and those that are fighting, that philosophically the majority believes that we should shatter the so-called Estate Tax Inheritance Act, the death tax, no matter what the economic expense is.

So we are not doing this for this Congress or this election; we are doing it to change the direction of the United States Government so that the items of resources to pay for education and health care, and even our national defense, are going to be jeopardized because some of you believe that the richest of the rich should be protected from an equitable distribution of tax liability.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to a colleague on the Rules Committee, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Washington for yielding, and I do rise today in strong support of the rule and this underlying bill, and I encourage all my colleagues on both sides of the aisle to support them both.

As a cosponsor of H.R. 89, the full repeal of the death tax, I was disappointed to see the inability of the Senate to obtain cloture on a full repeal of the death tax. I firmly believe that the death tax, the estate tax, is a double taxation and, philosophically, it is wrong.

We have all heard the statements, I think Steve Forbes said this several years ago, that there should be no taxation without respiration. More recently, I have heard the comment that we shouldn't try to balance the budget by robbing the grave. And there are other comments: a death should not be a taxable event. The gentleman from New York (Mr. RANGEL) just said that. I fully agree with every one of those statements.

The gentleman from New York also said, well, you know, in this time of war, in this time of deficits, in this time of debt, we should be able to get this money. We are not, Mr. Speaker, always going to be in that situation. But if we continue to double tax any American, that is a forever situation and it is forever wrong.

So, clearly, I was in favor of full repeal. However, I believe the bill before us today is a very strong compromise. It will protect many more families, small businesses, and family farms from this double taxation, or the so-called death tax.

It is my understanding, Mr. Speaker, that it also, with a manager's amendment, is indexed for inflation. Those of us, the fiscally conservative Members of our side, felt very strongly about that, and I am pleased with that addition.

I know many of my colleagues are as disappointed with the failure of the other body to pass a full repeal as I am; but as many of us say, we cannot let the perfect become the enemy of the good. So I think there is a lot of good in the bill that Chairman THOMAS has brought to us today and that we are discussing at this moment. We have an opportunity to take a substantial and a permanent chunk out of the death tax with a bill that can pass the Senate. They assure us, and I believe, that there will be 60 votes for this bill.

In conclusion, Mr. Speaker, again I want to thank Chairman THOMAS and the committee for their commitment and all of the hard work in bringing this bill before us today. Now is the time for us to pass some real tax relief and eliminate the most egregious form of double taxation.

□ 1045

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, The Washington Post reports today that middle-class neighborhoods are evaporating in America. It says that it is happening because the gap in this country between the rich and poor is rising at an alarming rate, making it harder for families to raise their children.

And what we consider today will only speed up that process: an estate tax cut giving an enormous tax cut to the richest 10,000 estates in the Nation, no one else. And don't let them fool you, it is not about small business, it is not about family farms; the 10,000 richest estates in the Nation. It will cost $762 billion in the first 10 years alone, this at a time when we are spending between $5 billion and $8 billion per month on the war in Iraq.

Meanwhile, our productivity as a Nation has risen by about 14 percent as the real wages of nonmanagerial workers have risen less than 2 percent. So when people look at the statistics, they wonder where is the rest of that money going? All they need to do is look at this Congress and the Republican leadership of this House emptying the Treasury for the likes of millionaires and billionaires.

Democrats believe this country is not about survival of the fittest but opportunity for all. Democrats understand the pressures on middle-class families: rising health care costs, education, home heating oil, gas prices. We believe we could be raising the minimum wage, one of the best tools we have to keep families from falling off that economic cliff. It has not been raised in almost a decade. Had it been adjusted just for inflation since 1968, those families would be making $9.05 instead of $5.15.

And if this Congress can get a raise, the American people ought to be able to get a raise. But the Republican majority is afraid to let this House even have a debate, a choice, between yet another tax cut for millionaires and a wage increase for families. They are afraid of that real debate that Americans want to have about their economic future.

The American people want us to walk in their shoes, understand their lives. They don't want to see millionaires and billionaires be able to get a tax cut that will help to bankrupt this Nation. What they do want to see is their wages increase. We need to raise the minimum wage and oppose this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I rise in support of this rule and the underlying legislation; in fact, in enthusiastic support. I am a cosponsor and have voted several times in this Chamber for permanent repeal of the death tax. This is not repeal, but it is relief, and it is significant relief.

I listened intently to the gentlewoman who spoke just before me. I found that a curious argument. I guess I see America and Americans a little bit differently. I think we ought to be incentivizing and stimulating and celebrating the achievement of the American dream every possible way we can.

I was in business myself, private business, all my life before I came to this Chamber, and as a community banker, I banked, I partnered with a lot of small business people. I celebrated their path to trying to create wealth and keep a business, especially a family business, going generation after generation.

I don't believe there is anything more egregious that government has ever done to disincent the achievement of the American dream than the death tax.

We tax everything you buy, everything you sell, you get to the end of the year, and if you happen to magically have something left, we want a piece of that. And then when you finally close your eyes for the last time, we are going to take our piece of what you have managed to accumulate through your lifetime. I think it is close to criminal, if not criminal.

Today we have an opportunity to provide some relief to those that do what so many come to this Nation for, to achieve the American dream. We have a chance to provide them some relief, some hope that what they worked all their life for, to accumulate something, maybe a business, maybe a family asset, pass it on to their children and their children's children, and that they might be able to do that without the threat of the Federal Government taking it away from them with excessive taxation.

It is with a great deal of pride and, frankly, a great deal of personal experience that I rise again in support of this rule and the underlying legislation. This is not, again, the permanent repeal that I think would be the best thing to do, but I think what we have before us is an opportunity to work with the other body to actually make law that will make a difference for Americans, American families, and our

constituents back home that we all support.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to begin by saying to my friend from Indiana, I think it would be helpful for this Congress to have the information about all of the family farms that have gone out of business in Indiana because of this estate tax. I think it would be helpful if we wrote to the appropriate officials in Indiana to get that list so we could share it with everyone here and see how it impacts this legislation.

I want to say, the last 24 hours will tell you everything you need to know about what is wrong with Congress: holding up the Voting Rights Act; knocking down the minimum wage increase; relieving the superrich from responsibility for paying estate taxes; and keep sending our children to fight and die in a war based on lies. That, by the way, is the real death tax, and it is paid by the poor and the middle class.

Our new motto should be: ''United We Stand, Sure. But Divided We Profit.''

H.R. 5638, the estate tax legislation, should be more accurately described as the American Idle Act, I-D-L-E, because it relieves the children of billionaires and multimillionaires of over one-quarter of a trillion dollars of estate taxes in just the 5 years starting in 2013. The $2,600 per taxpayer loss of revenue will take money from our schools, our health care, our senior citizens, and our veterans.

The Bible says it is easier for a camel to get through the eye of a needle than for a rich man to get to heaven. Here in Washington, the superrich ride elephants, and hopefully no donkeys, to get to their alabaster heaven where they pay no taxes.

Money, most of which has never been taxed once, will continue to gush upwards. The estate tax is cleverly tied to the capital gains rate, currently at 15 percent. Estates up to $25 million or $50 million for a couple will pay the capital gains rate of 15 percent, and those over that will pay double the rate; but what will happen when Congress eliminates the capital gains tax? There will be no estate tax because one or even two times zero is still zero. At that time the destruction of the middle class will be complete. The ascendency of a new plutocracy will be complete.

Allan Sloan of Newsweek put it this way 2 years ago: ''In the name of preserving family farms and keeping small businesses in the family, President Bush would create a new class of landed aristocrats who would inherit billions tax-free, invest the money, watch it compound tax-free and hand it down tax-free to their heirs.''

President Lincoln didn't pray for a government of the wealthy, by the wealthy and for the wealthy at Gettysburg. He prayed for a government of the people, by the people and for the people. Whose prayers are we answering here?

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who was denied an amendment in the Rules Committee.

Mr. POMEROY. Mr. Speaker, the rule before us allows only one alternative. You know, it has been said before but it deserves repeating today: As our troops fight for democracy in Iraq, we ought to show that we can have democracy on the floor of the House.

I went to the Rules Committee with another alternative for reforming the estate tax, and to have on a party-line vote the majority refuse to allow the Members of this body to even consider any other alternative but the Thomas proposal, in my opinion, does violence to notions that this is a deliberative body where ideas can be considered.

The bill before us is not a reform bill of the estate tax, it is virtual repeal, and make no bones about that, virtual repeal of the estate tax.

Look at this chart. The cost of the alternative I advance and have not been allowed to offer is 40 percent the cost of repeal. Our early estimates on the full phased-in cost of the Thomas proposal is that it will lose 80 percent at least of the revenue of full repeal. That is not a compromise.

I bet you are going to hear some of these guys say we are going to compromise. This is not a compromise, it is virtual repeal. You lose 80 percent of the revenue, it is virtual repeal, no compromise.

Now this is a shocking loss of revenue to help a very, very few people. The proposal that I was not allowed to introduce would have made exempt all of the estates but for 3/10 of 1 percent.

Earlier there was a gentleman from Indiana said small businesses have been lost all over the State of Indiana. I believe he is factually mistaken. I issue a challenge to him right now and anyone else, bring me the names. Bring me the names.

There is no fact whatsoever behind these assertions that this is about small farms and family businesses. This is about the wealthiest estates in this country, and now let me put it really to bear.

The distribution table on the Thomas proposal is that of the $800 billion that would be lost between 2010 and 2020, 43 percent would go to those worth more than $20 million. In a decade when we are going to have 78 million Americans turning 65, we have Social Security going out of balance in 2018, we have Medicare going out of balance in 2012, we are going to take $800 billion and ship it to those who make more than $20 million? What in the world are we thinking about?

Medicare and Social Security apply to everybody. The estate tax proposal advanced by the majority today applies to way fewer, way fewer than 3/10 of 1 percent. This sliver showed the number of estates that would have been taxable under the proposal I have not been allowed to offer today. Their proposal that goes to the $20 million crowd and up even deals with a smaller number yet. What in the world are we thinking?

The preceding speaker said he cannot think of anything more that does violence to the American dream than the death tax. Let me tell you about a few other things that do violence to the American dream: This Congress running up a debt and having to vote not just once in March, but again in May to raise the borrowing limit of the country, putting us nearly $10 trillion in debt. Another thing that does violence to the American dream, the cuts that have been made in student loans so people can pursue the notion of upward mobility, they can get ahead in this world, but they cannot afford to get to college, and they cut student loans in the face of it.

And yet the portion of the American dream that they seem most concerned about is for this $20-million-and-up crowd, even while we have no idea how we are going to solve this Medicare solvency imbalance or how we are going to fund the Social Security imbalance.

Let me come back to the basic issue presented by this rule. How come we only have their plan to consider? We have a plan, a plan that makes the estate tax go away completely for 99.7 percent of the people in this country, and they won't even allow it for consideration. Vote down this rule, vote down this virtual repeal of the estate tax.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from New York how many speakers she has, because I at this time have no more requests.

Ms. SLAUGHTER. I too have no further requests for time, so I will close.

Mr. Speaker, I think what we ought to call this tax is the Paris Hilton tax. Paris Hilton, once this is passed, will be able to jetset again around the world buying herself more bling and more little dogs to carry around in her purse, and probably never work a day in her life.

But while we are helping Paris with her problems, I think we need to think about the poorest among us, those people working two and three minimum-wage jobs every single day simply to try to keep themselves alive and that we have turned our backs on now for over a decade.

So I urge all Members of this House to vote ''no'' on the previous question so I can amend the rule and allow the House to vote on the Miller-Owens bill to increase the Federal minimum wage for the first time in almost 10 years. The bill is identical to the minimum-wage language included in the Labor-HHS appropriations bill that was supposed to come to the floor this week, but was pulled by the leadership.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, my amendment to the rule provides that immediately after the House adopts the rule for the Paris Hilton bill, it will bring H.R. 2429 to the floor for an up-or-down vote. The bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 an hour after 2 years.

Mr. Speaker, it is time we started to help workers, instead of making the very rich in this Nation richer. And I want us to stop this nonsense that we are doing this for poor farmers. Nobody can come up with a name of a poor farmer. And we will ask the State of Indiana to give us a list of all those people who went under because of this tax.

But we are considering another massive tax cut for our Nation's wealthiest. And to make matters worse, it is done the same week that the leadership of the House blocked legislation to increase the minimum wage for those who need the help the most.

America's low-income workers need our help, but millionaires don't. We are losing our middle class. One of the best things we can do to help the low- and moderate-income families is to increase the minimum wage. It has been, as I said, a decade since it was voted to increase, and it was signed in law in 1996 with the last increase in 1997.

After adjusting for inflation, the value of the minimum wage is at its lowest level since 1955. The purchasing power of the 1997 increase has eroded since then by 20 percent. A full-time minimum-wage earner working 40 hours a week makes $10,700 annually, an amount that is $5,000 below the poverty line for a family of three. The minimum wage now equals only 31 percent of the average wage for the private sector and the nonsupervisory workers, and that is the lowest share since the end of World War II.

Mr. Speaker, can there possibly be any doubt that we are long overdue for another increase in the minimum wage?

Leadership in this House has managed to implement numerous tax breaks for the wealthiest Americans, including this billion dollar budget buster that we are considering today, but turns its back on those who work the hardest and are paid the least, those with no lobbyists, those who struggle to make ends meet every day. They don't have any lobbyists but us on their side. And I think it is time for Congress to step up to the plate and help those who need it most, not just those with the fattest bank accounts.

And those who say an increase in the minimum wage will hurt business and economy are plain wrong, and facts argue just the opposite.

So I urge all Members of this body to vote ''no'' on the previous question so that we can help 7 million-plus American workers who will directly benefit from an increase in the minimum wage.

And let me close by saying this is a very sad day because I believe this bill will pass. And I think this Congress of the United States will go on record as saying that we don't care about those people other than those who can hire the lobbyists and do everything that they want to do.

Mr. Speaker, I yield 2 minutes to Ms. BROWN.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the ranking member; and with what is going on here today, I know soon that you will be Chair, because this is really a very sad day in the House of Representatives, the people's House.

Once again, we are doing like what has happened in this House over and over again, practicing what I call reverse Robin Hood. When I was coming up, my favorite program was Robin Hood. Well, what this House, under the Republican leadership, constantly practices is reverse Robin Hood. What does that mean? Well, it means robbing from the poor and working people to give tax breaks to the rich.

Today, instead of debating a fair minimum-wage bill, we are debating a near repeal of the estate tax bill for millionaires. This is a bill that benefits only 6 to 7,000 very, very wealthy people. This does not help the poor or the majority of working Americans at all. This reverse Robin Hood policy which gives tax breaks to the very wealthy robs from the rest of us and leaves us with very little money to provide services like educational loans, health care, homeland security, transportation, our Nation's veterans, our seniors, our children, the poor.

This is the reason why 77 percent of the American public does not believe that the United States Congress represents their interests. And this reverse Robin Hood bill is a perfect example of why.

I strongly urge my colleagues to vote ''no'' on the rule and send this horrible bill back to the drawing board.

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

Mr. HASTINGS of Washington. Mr. Speaker, let me just review. This issue has been around in Congress for some time. This House has acted on full repeal of the death tax for the last three Congresses on a bipartisan basis. But the reality is we simply can't get this through the full Congress because the other body simply doesn't have the votes, supermajority votes, I might add, to close off debate over there, so we have to pass something that can pass both Houses of the Congress. This bill does that. And it is important that we pass this bill as soon as we possibly can so those that are trying to plan estates after 2010 can make those plans with some certainty.

So, Mr. Speaker, this is a good bill. This is a good rule.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION ON H. RES. 885, RULE FOR H.R. 5638—PERMANENT ESTATE TAX RELIEF ACT OF 2006

At the end of the resolution add the following new section:

''Sec. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for a amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the member who led the opposition to ordering the previous question.

That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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.

PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO ACT OF 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 886 and ask for its immediate consideration

The Clerk read the resolution as follows:

H. RES. 886

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend and colleague 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. PUTNAM asked and was given permission to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, House Resolution 886 is the rule that provides for debate of H.R. 4890, the Legislative Line Item Veto Act of 2006.

As a member of both the Rules Committee and the Budget Committee, the two committees of jurisdiction for the underlying legislation, I am pleased to bring this resolution to the floor for our consideration.

The Legislative Line Item Veto Act is the product of years of work on both sides of the aisle in Congress and at both ends of Pennsylvania Avenue. The original Line Item Veto Act was signed into law in April of 1996. It was later found unconstitutional by the Supreme Court in its 1998 ruling on Clinton v. The City of New York. In each Congress since 1998, there have been multiple proposals from both parties to give the President constitutional line item veto authority.

In his State of the Union address this year, President Bush stated: ''I am pleased that Members of Congress are working on earmark reform, because the Federal budget has too many special interest projects. And we can tackle this problem together if you pass the line item veto.''

This subtle, but powerful, statement gave momentum to the effort to consider a constitutional option to the original Line Item Veto Act. The statement was followed up by an official message from the President to Congress in which he specifically asked Congress to consider his proposed Legislative Line Item Veto Act of 2006, which was subsequently introduced by Representative PAUL RYAN of Wisconsin.

This legislation is based on an expedited rescissions approach to controlling spending that has been historically supported by both Democrats and Republicans as a means of bringing greater transparency and accountability to the budget and spending process. In fact, during the early 1990s, and again in 2004, expedited rescissions proposals that would have provided the President with the ability to propose the cancellation of spending items and special interest tax breaks and have them considered by Congress on an expedited basis were widely supported by Members of both parties. The Expedited Rescissions Act of 1993 was introduced by the ranking member, the Democratic leader on the Budget Committee, and received 258 votes on the House floor, including 174 Democrats. The Expedited Rescissions Act of 1994, another bill sponsored by the ranking member on the Budget Committee, received 342 votes on the House floor, including 173 Democrats. In 2004, the Ryan-Stenholm bipartisan Expedited Rescissions amendment received 174 votes on the floor, including 45 Democrats, one of which was the ranking Budget Committee member.

The current version of H.R. 4890 is also the product of that bipartisan effort. Based on input from Members from both sides of the aisle, it is narrowly drafted to meet the intent of allowing the President to work with the Congress to reduce wasteful spending, while preserving the separation of powers between the legislative and executive branches. This legislative line item veto ensures that the power of the purse remains in the hands of Congress, where our Founding Fathers placed it and intended it to remain. Both the House and the Senate must affirm the President's vetoed spending. We will vote on any items the President selects. Congress maintains the final say on where and how and if the funding in question occurs.

Mr. Speaker, I thank Mr. RYAN, the Budget Committee, and the Rules Committee for creating legislation that will enable this Congress to maintain control of our spending priorities at both the beginning and the end of the budget process. This legislation is another example of the Republican-led Congress and our President pushing forward with fiscal discipline.

I urge members to support the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my colleague and good friend from Florida (Mr. PUTNAM) for the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this rule and the underlying legislation. It is the misguided belief of some that the line item veto will serve as an effective tool to overcome the profligate spending by Congress. The irony, of course, is that if Congress had any kind of backbone, we would do it ourselves. For instance, if these same Members, who in my opinion feign seriousness about reining in spending, were actually serious, they would support our colleague, Mr. FLAKE, more often in his admirable yet heretofore unsuccessful attempts in cutting spending using the constitutionally mandated method, writing them into or removing them from bills before being sent to the President.

□ 1115

Proponents argue that giving the President enhanced authority and power would check Congress' mismicromanagement of Federal spending. Frankly, I think this reasoning is preposterous. I highly doubt that increased rescission authority would be used to decrease our Nation's deficit. To the contrary, I believe such authority would only further the aims of the partisan politics we have seen through this Congress and this administration. And let me be fair. If there is

ever a Democratic President, I think he or she would likely use this particular legislation in a partisan fashion.

For more than 5 years, the President has continually signed off on budgets that have only deepened our Nation's deficit. If the President seeks to cut excessive spending and lower the deficit, he, meaning this President, should adopt the traditional means he already possesses before seeking expanded authority.

Americans might have less trouble keeping their heads above water if they were not being overwhelmed with the red ink flowing in Washington, D.C. The truth of the matter is that this President has no need to use his power to veto when he can convince the majority in Congress to strike sections of legislation that go against the President's political agenda. In fact, in the more than 5 years that President Bush has been in office, he has not used the veto authority he currently possesses to veto a single piece of legislation that would lower our deficit or reduce the debt.

Who knew that in the year 2000 the Supreme Court would choose America's first prime minister and relegate Congress' role to that of an advisory committee.

Someone said recently that this Republican Congress has been simply a rubber stamp for the President. I politely disagree. My view is that at least a rubber stamp leaves an impression.

We have heard, and we will continue to hear, that almost all our Governors have something akin to line item veto authority. This, however, should not be used as a reason why we ought to do the same at the Federal level. In Florida, for example, the Governor's expanded veto authority has clearly shifted powers long held by the State legislators to the executive branch. We cannot let this happen here. We, the legislators, not the executive branch, should determine the legislative agenda.

Ms. SLAUGHTER, in our meeting the other day, said where is it that this divine notion of what ought to be in the power of the purse is over there at 1600 Pennsylvania Avenue, no matter who occupies that office?

Now, once you take an even closer look at this bill, it gets even worse. The bill's provisions mandate that no amendment can be made to any rescission bills while in committee. This heavily restrictive ''all-or-nothing'' approach to the legislative process is quite damaging. Moreover, it totally undermines proponents' arguments that the President's ''all-or-nothing'' power to veto is what must be curbed.

The bill also stipulates limited debate in both the House and the Senate. It certainly does not answer the question of what happens if the Senate votes one way and the House votes another on one of the measures that the President has determined should be rescinded. These requirements do nothing but upset the delicate balance of power that our Founding Fathers crafted.

A footnote right there: Didn't the Supreme Court already tell us once before that veto in this particular fashion was unconstitutional, the line item veto?

If this bill passes, consensus, the ultimate cornerstone of the legislative process, as well as the principles of democracy itself, will most definitely be lost. Furthermore and most importantly, I do not think it wise or in the best interest of the American people for the legislative branch, this House that the Founding Fathers gave the power of the purse, to delegate more of its powers to any administration. Republican, Democrat, Independent, Green, wherever the President comes from, they should not have the power constitutionally mandated for the legislative branch to have. Administrations have continually abused our trust and usurped our constitutional authority.

For more than 5 years, the delicate system of checks and balances that our country depends on has been compromised all too often. Whether using so-called signing statements, and I wish I had to time to explain to the American public that dynamic, and I might add used by President Clinton as well, but not as much as by President Bush, which include caveats to bills, or tapping our phones, or wildly interpreting authority given by the PATRIOT Act, this President has shown little to no regard for Congress' coequal authority for control over the management of the country.

We cannot let this President, or any President for that matter, upset the balance needed to run this country. Granting line item veto authority to the executive branch would not only be offensive to democracy, it would be a serious mistake. It would undermine the United States Constitution, and it would be the kind of mistake we cannot afford to pay.

We are not children in this body, Mr. Speaker. We do not need to enshrine in law a paternalistic relationship between Congress and the President.

I urge rejection of this rule, and I urge rejection and entreat my colleagues to defeat the underlying bill.

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

Mr. PUTNAM. Mr. Speaker, I yield 4 minutes to my colleague from Florida, a member of the Budget and Appropriations Committees, Mr. CRENSHAW.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong support of this rule so that we can get on with the underlying bill to grant the President line item veto to just be another tool in trying to get a handle on the way we spend money here in Washington. Everybody knows that we are trying to do a better job of controlling spending, and the line item veto would just be another piece of the puzzle, another reform that we ought to put in place to help us toward that goal.

Now, first and foremost, we have got to exercise discipline ourselves here in this House. And a lot of people do not realize it, but we have actually done that. The last couple of years we have written a budget in this House where, for instance, last year in the budget, when you take out defense and homeland security, the nonsecurity spending of the United States Government actually went down for the first time in 20 years since Ronald Reagan was President. This year we wrote a budget that freezes nonsecurity spending. And that is a huge step in the right direction.

We have also put a rainy day fund in our budget this year to kind of be like most American families, to say if there is an unexpected problem, we will have some money set aside. We are already talking about earmark reform. That is part of some legislation.

So now we have got the line item veto. That will give the President the right to say, ''I see something in the spending bill that looks a little bit out of line, and I want to bring it up.'' Now, all that does is add a little bit more oversight, a little bit more accountability, a little bit more transparency into this overall budget process. What is wrong with that? If you really want to get a handle on how we spend money, what is wrong with an additional review? It might even make us here think more thoughtfully about the things that we do and the money that we are spending it on.

So I just think that this is part of the puzzle. It is one tool. It is not going to solve the spending problem once and for all, but it certainly is a valuable tool. We all know that government needs money to provide services, but it seems to me right now government needs something more. It needs discipline, and we are providing that, and the line item veto will help with that. The government needs the commitment to make sure that every task of government is completed more efficiently and more effectively than it ever has been before, and the line item veto will help in that regard.

We can do more with less around here, and if we pass this line item veto, that will just be another part of the puzzle, another tool in our equipment to get a handle on the way we spend money. The American people deserve no less.

So I urge adoption of this rule and adoption of the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, excuse me. Will my colleague remain for me to use some of my time to ask him a question before I yield to my good friend Mr. MILLER?

Mr. CRENSHAW. Yes, sir.

Mr. HASTINGS of Florida. And I might add my good friend and fellow Floridian, and he is my good friend.

Let me ask you, Mr. CRENSHAW, do you feel that this House of Representatives and the U.S. Senate, or the Congress, is in a deficit spending environment at this time? Can you answer ''yes'' or ''no''?

Mr. CRENSHAW. I know this year there will be a deficit in terms of our overall budget and spending this year.

Mr. HASTINGS of Florida. Right. And every year since the President has been in office, we have been in this deficit spending environment; would you agree?

Mr. CRENSHAW. I think it is going down, and that is the good news, because the economy is growing.

Mr. HASTINGS of Florida. Then tell me what is down and what is up? Did we not raise the debt ceiling twice?

Mr. CRENSHAW. We raised the debt ceiling twice. And the economy is roaring, and we lowered taxes, and people are back at work, and the deficit is going down, down, down. And that is good news.

Mr. HASTINGS of Florida. Reclaiming my time, you say that this will be a little bit more. Our good friend PAUL RYAN, who is an author of this legislation, yesterday in my dialogue with him, he agreed that this legislation gives the President the power to do five messages in regular legislation and 10 in an omnibus. Do you think by any stretch of the imagination that the American public believes that this is going to reduce the national debt?

Mr. CRENSHAW. For instance, I would say this: We had a transportation bill last time.

Mr. HASTINGS of Florida. Can you answer ''yes'' or ''no''?

Mr. CRENSHAW. And you have heard of the ''bridge to nowhere''? That was about $300 million, and that kind of made its way through the process on to the President's desk. And I think if the President had had a line item veto, he might have said, You know what? I think you ought to take another look at that ''bridge to nowhere.'' And he could have exercised that line item veto. And maybe if that had gone away, then, yes, we would have spent less money, and the deficit would not be as large as it is today, and that is good.

Mr. HASTINGS of Florida. Reclaiming my time, we do not live in Alaska, and no affront to you. I am delighted that we have $1.8 billion coming to Florida for coastal protection, but the President could have line itemed that, too.

Mr. CRENSHAW, you served in the State legislature. And under Democrats and Republicans that had the line item veto, the simple fact of the matter is they have used it in a partisan fashion more often than not. That is among the fears.

Thank you for the dialogue.

Mr. Speaker, at this time I am pleased to yield 4 minutes to my good friend from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

It is fitting that we are talking about the line item veto when we are doing the estate tax. President Clinton left you guys an estate of $5 trillion, and like irresponsible relatives, you went off and blew it. And now you are saying to the country, like so often serial killers leave notes for the police, as the Son of Sam did, saying, ''Help me before I kill again,'' you are saying, ''Help me before I spend again.''

You control all the mechanisms of spending. You control the House. You control the Senate. You control the Presidency. And you need help before you spend again. What is this, Comedy Central? What is it you are doing here? ''Help me, I can't stop spending. Give me a line item veto, and maybe the President will veto 1 million here or 10 million there or 5 million there.''

We have an $8 trillion debt. You inherited a $5 trillion surplus. The money you are going to give to the richest families later today in this country, the richest 7,000 families, you are going to borrow from Social Security.

Mr. CRENSHAW says you are now being fiscally responsible because you have a rainy day fund. You are the only family in America that went out and borrowed money to put into a rainy day fund because you do not have any money. The American people do not have any money in this government. All they have is debt. And you want a bill to help you to keep from spending again. What you need is a 12-step program on spending.

□ 1130

It is called intestinal fortitude. It is called having a spine. It is called having some guts to do what is necessary. But the first thing you did was get rid of the discipline and pay-as-you-go. So now you are stuck.

But more importantly, the Nation is stuck, and so we see this little plea, on the morning that we are going to give away almost $1 trillion to the richest people in the Nation, you have a plea here that maybe the President will stop the bridge to nowhere. How about Congress stopping the bridge to nowhere? How about doing what you were elected to do?

You don't need a line item veto. This isn't about statutes. This isn't about vetoes. This is about what the Congress is to do. You walked in here fresh, newly elected, and you got handed $5 trillion. And now you can't stop yourself. You can't stop yourself.

You can stop yourself from giving the people an increase in the minimum wage that hasn't increased since 1997. You can't give those people 70 cents more an hour. But you give it away to the richest estates, and then you can plead that but for the line item veto, we would somehow get to a balanced budget.

Every dollar you are going to spend today, tomorrow, and every dollar you spent yesterday and the day before came out of the Social Security Trust Fund. I am sure that America, while you are putting away a rainy day fund on borrowed money, I am sure America is delighted that you are putting away the estate tax on their Social Security earnings, on their trust fund. You are taking their trust fund that belongs to all Americans called the Social Security Trust Fund and you are raiding it for the trust fund of the heirs of the richest estates in America. What a wonderful example today. What a wonderful example for young people to learn about our obligations to future generations.

This is a theater of the absurd. You have run the country into the ditch financially. You got a $1 trillion war going that you can't figure out how to stop. You have stolen most of the money from Social Security Trust Fund. Every year we have a deficit. We have a $8 trillion debt. And you want to talk about the line item veto.

You know, the government is spending money like a drunken sailor, and Ronald Reagan said, well, at least the sailor was spending his own money.

You are spending the public's money at a rapid, illegal, unconscionable, immoral rate, and you ought to stop, but the line item veto won't do it.

Lots of things have changed since 1997, but the value of the minimum wage isn't one of them. Because of Congress' failure to act on behalf of the lowest paid workers in America, the minimum wage is still just $5.15 per hour. $5.15 per hour. Think about that. At $5.15 per hour, you would have to work all day just to fill a tank of gas at today's gas prices.

At $5.15 per hour, you would have to work for at least 30 minutes just to afford a single gallon of milk.

Democrats have a simple and reasonable proposal: We want to raise the minimum wage to $7.25 per hour over the next two years. Doing so would directly benefit 6.6 million American workers. The vast majority of those workers are adults. Hundreds of thousands of them are parents with children under the age of 18.

We have all heard the well-worn economic arguments against raising the minimum wage, and we all know they simply aren't true. The truth is that raising the minimum wage won't hurt the economy, and can even help it.

But forget about economics. That's not what this issue is about. This issue is about doing what's right. And it is just wrong that, in the wealthiest and most advanced country in the history of the world, millions of adults work full-time, all year, and yet still earn an income that leaves them deep in poverty.

It is just wrong for the Republican leaders of this Congress to refuse to allow even a vote on raising the minimum wage. But what makes all of this far worse is that today, once again, as it has done so many times during the past several years, the leaders of this House are going to push tax breaks for the wealthiest people in this country .

You know, starting in 2009, only the largest and wealthiest 7,500 estates nationwide will pay the estate tax. The Republican plan to gut the tax on these 7,500 estates will add three quarters of a trillion dollars to the federal budget deficit over the next decade. That's trillion with a T.

Lee Raymond, the former CEO of Exxon Mobil, stands to save as much as $160 million if this estate tax repeal goes through. This is the same Lee Raymond who left his job with a $400 million retirement package.

Why is the Republican leadership so worried about people like Lee Raymond? Why is the Republican leadership constantly looking for new ways to help the absolute richest people in the country? When is the leadership of this House going to do something for the lowest-paid families in America?

If you are born with a silver spoon in your mouth and you stand to inherit millions or even billions of dollars that you did not work to earn, then this Congress wants to serve you. But if you get up every day and go to work to earn a living, then don't expect any help from this Congress. The message all of this sends could not be clearer. The Republicans value wealth, not work.

If you hold up your end of the bargain and contribute to your community and our economy by working hard every day, then you should not have to live in poverty. It is well past time for this Congress to treat America's working families with the respect and dignity they have earned.

The choice to provide hundreds of billions more in tax breaks for the ultra-wealthy is shameful. It's even more shameful to do it while steadfastly refusing to raise the minimum wage.

Mr. PUTNAM. Mr. Speaker, I would just remind my friend that on the three previous occasions there has been an opportunity to vote on this issue, 173 Democrats one time, 173 Democrats another time and 45 Democrats at another time all joined the cast members at his theater.

Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I appreciate the gentleman yielding.

Mr. Speaker, I rise in very strong support of this rule and certainly the underlying legislation as well.

You know, President Reagan said the government is too big, and it spends too much. That is a very simple statement, but it really goes to the heart of why we need to have a line item veto.

The American people are demanding something be done to get a handle on some of the out-of-control spending that does happen here, and the legislation we are considering today will go a very long way to bring fiscal restraint and greater accountability to government spending.

The line item veto has actually worked in many, many States across our great Nation, including in my home State of Michigan, and I believe it can work here as well at the Federal level.

Currently the only way that a President can make a stand against wasteful spending is to veto an entire bill, even though perhaps only a few provisions in that might be offensive. We have seen that not only this President, but others before him have been extremely hesitant to do so.

So often we hear about some particular egregious pork-barrel spending slipped into what is otherwise a very good bill, and right now there is really nothing that can be done. This bill gives another tool. It is another way for the administration to work with the Congress to address spending in a responsible and a reasonable manner.

This bill is common sense, and I think it will require lawmakers to be more careful about the spending that they are advocating and also to be able to justify that spending. I think this is a great start toward fiscal responsibility, and I urge my colleagues to support this rule and again to support the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend from Wisconsin, perhaps it would be helpful if we have a little bit of historical foundation. Sometimes we forget these great people that met and debated for a long time before they determined the form of government that we should have.

But one of the things that they established most immediately in Article I, after the Preamble, ''We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America,'' Article I, Section 1, colleagues: ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.'' Not a President.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, first of all, this rule is outrageous. We have a closed rule, no amendments, no substitute allowed in order. We had a serious discussion in the Budget Committee just last week over this legislation raising serious issues of concern about the body of this legislation. Now we come to the floor today, and we are completely foreclosed from having an honest debate about some of the fixes that I feel and many of my colleagues feel are necessary to improve this legislation.

Now, I appreciate what the authors of the legislation are trying to accomplish, but let's not forget one fundamental fact: If there is a concern about overspending in this Congress, we already have a tool to address it. It is called stop spending.

I guess I would have a little more confidence if the track record of this administration and this Congress was more serious about fiscal responsibility. This is the first President since Thomas Jefferson who has refused to veto one spending bill. He is not even using the rescission process that he already has authority to do.

The last reconciliation measure before this Congress actually increased the national debt, rather than reducing the national debt, for the first time in our Nation's history.

I am afraid this legislation today is nothing but a political fig leaf to try to cover up the complete breakdown in fiscal responsibility under this administration and this Congress. And that is unfortunate, because we owe a better work product to future generations, rather than leaving them a legacy of debt.

Five debt ceiling increases in the last 6 years. They have presided over the quickest and largest expansion of national debt in our Nation's history, and the fastest-growing area in the Federal budget today is interest on the national debt.

What is really unfortunate is we no longer owe this debt to ourselves. We are completely dependent on foreign countries such as China to be financing these deficits today, putting us in a security and an economically perilous situation dependent on other countries to be financing our books because we don't have the institutional will to do it ourselves.

We had a viable and credible substitute that actually gets serious about fiscal responsibility. It reinstitutes pay-as-you-go rules, a tool that worked very effectively in the 1990s that led to 4 years of budget surpluses when we were actually paying down the national debt rather than increasing that debt burden to our children and grandchildren.

We also called for a greater time to review spending measures before they are brought to the floor so we have a chance to dig into it and find out where the spending is going.

We also had in our substitute an important provision that would prohibit any administration from using this line item power to blackmail Members of Congress in order to cajole votes from them to support other measures that are completely unrelated to the spending bill before us.

These are serious deficiencies that many of us have in the bill, but we are foreclosed from discussing them with amendments or by offering a substitute today. I think that is an outrage.

I would encourage my colleagues to reject this rule. Let's open it up. What are we afraid of? Let's have an honest debate. Let's have a debate of ideas, and let the votes fall where they may.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I sit here and I listened to what can only be termed as the height of hypocrisy. The gentleman who has just debated against this particular bill in fact 2 years ago voted for almost the same thing, and now today he is voting against it. I don't care what you say, that is pretty funny right there.

Since 1991, Federal spending on special-interest projects has increased by 900 percent. We understand that. Congress is long overdue in extending the line item veto privileges to the President of the United States.

This bill does not vest within the President the ability to solely go in and line item veto by himself. It comes back to the Congress. It gives him the authority to propose elimination of earmarks, but it leaves Congress the ability to give an up-or-down vote on the President's proposal.

I served in the Florida State Legislature where there is a line item veto by the Governor, and it was inferred just a little while ago by one of the speakers that it was used politically. Yes, it was used politically in Florida, but only by the Democratic administration.

Mr. HASTINGS of Florida. I don't believe he said that. I want to continue along those lines. Evidently the previous speaker doesn't know what Governor Jeb Bush just did, but that is another story.

I want to keep the Constitution before us. What it says in that same article, which, incidentally, was the first article, the article creating the President was the second article, in the first article, ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time,'' by the Congress.

I am pleased to yield 4 minutes to my good friend from Tennessee (Mr. COOPER).

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

Mr. COOPER. Mr. Speaker, in the vain hope that there still is an undecided Member of this body, I think it is important that we look at the facts. I would encourage my colleagues to oppose both the rule on the line item veto and on the estate tax. Why? I am afraid people watching this debate are seeing Congress at a historical low point.

On the estate tax, if you read the editorial in today's Wall Street Journal, the Wall Street Journal is claiming that King BILL THOMAS' proposal is hardly an improvement over current law. Hardly an improvement over current law.

So if you are for repeal, you better check with King BILL THOMAS, because he has been given near royal powers by this House. Members of the vaunted Ways and Means Committee were denied an opportunity to even meet and discuss this legislation. So no one really knows what is in it, except perhaps King BILL THOMAS.

What an outrage. This is supposed to be a deliberative body, but because of this rule, the Pomeroy substitute was not allowed to be considered. What is King BILL THOMAS afraid of? A debate? A discussion in the House of Representatives? This is a shameful moment in our history.

But now turning to the rule on the line item veto, Mr. SPRATT was denied an opportunity to offer a substitute. What is the Budget Committee afraid of? A debate? A discussion? The possibility we actually might know what we are voting on in this rubber-stamp Congress?

Now, I am not a hard-core partisan. While I oppose repeal of the estate tax, I am planning on voting for the line item veto. I would suggest to my colleagues who care about budget deficits that that is the appropriate and consistent approach.

But look at the line item veto. The only thing that that bill will do is deprive President Bush of his last excuse for accepting all congressional spending bills.

My colleagues on both sides of the aisle know that this is the biggest spending domestic President since LBJ; in fact, probably exceeding even the Great Society spender himself.

My colleagues on both sides of the aisle know that earmarks have proliferated. They are now up to some $50 billion a year. And what has the President done about it? He is the first President since Thomas Jefferson to never use his constitutional veto power, that chainsaw for cutting spending. President Bush has never touched it.

There is a lesser power, more like a scissors cutting power, that President Bush has. Every President since Richard Nixon has had that power, and President Bush has never used that power.

So what is he asking for here? Now it is called line item veto, but it is not really. That is a lie. Properly titled, the bill is expedited rescission. Why? Because line item veto is unconstitutional. The Supreme Court decided that in 1998. So all this bill is is a pair of sharpened scissors for the President, who has never used his regular scissors.

□ 1145

Well, I for one hope he will use those sharpened scissors. How are they sharper? Well, it does require that Congress actually vote. We can't blow off the President by delaying indefinitely a vote on his recommended cuts. And that is a small improvement.

But you are telling me, with the Republican tyranny that we have today, Republicans in charge of all branches of government, that President Bush couldn't have forced a vote on his suggested cuts if he had dared bring them up in the last 6 years of his Presidency? Certainly the President could have gotten a vote on it, but he has not dared ask. This is the most feckless, cowardly administration in terms of cutting spending that we have witnessed in American history.

Mr. PUTNAM. Mr. Speaker, I would say to my friend from Tennessee I am sure he did not mean to impugn or personalize the debate against any given chairman in this Chamber.

I am pleased to yield 1½ minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

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

Mrs. SCHMIDT. Mr. Speaker, I thank the gentleman from Florida (Mr. PUTNAM) for yielding to me.

Mr. Speaker, I rise today in strong support of this rule and the underlying legislation, H.R. 4890, the Legislative Line Item Veto Act. I commend the gentleman from Wisconsin (Mr. RYAN) for his work on this important legislation. I am proud to be a cosponsor because I believe H.R. 4890 will be a useful tool to reduce the budget deficit, improve accountability, and ensure that our taxpayer dollars are spent wisely.

Unlike previous versions of the Line Item Veto Act, H.R. 4890 preserves Congress' authority. This legislation would give the President the ability to identify unnecessary, duplicative, or wasteful spending provisions that have passed Congress, and send these specific line items back to Congress under an expedited procedure for an affirmative up-or-down vote by both the House and the Senate.

When I was elected to Congress, I pledged to be fiscally responsible. The line item veto is a way to ensure that taxpayer dollars are spent wisely. I urge my colleagues to support this important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Massachusetts (Mr. NEAL), a distinguished member of long standing on the Ways and Means Committee.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, we had in constitutional scholars that were all asked at the Budget Committee meetings whether or not Congress currently possessed the ability within its governing responsibilities to balance the budget, and the answer was ''yes.''

This is a fake tool meant to cover the Republican Party. I opposed this with Ronald Reagan, I opposed it with George Bush, Sr., with Bill Clinton, and now with George Bush, Jr. And do you know what is regrettable about this debate, most regrettable about the debate? Conservatives won't stand up for principle.

The idea of a running mate in 1215 was to keep King John from being an autocrat. When Prince Charles invaded the House of Parliament and arrested members who disagreed with him, it was time to take action.

What do we do here? We cede more authority to the Executive. You put this tool in the hands of Lyndon Johnson, and you are going to regret it. You are going to regret the day you ever embraced this item. Calling down to the White House to see if your spending proposal was okay? As they say to you, Well, I was checking your voting record on some references you made to the administration recently. Now we will decide whether we are going to keep your item in. How ill-considered, how ill-timed in the middle of war that we would do this, to give the authority

to the Executive to make decisions that Mr. Madison and Mr. Jefferson correctly believed belonged with this body. And conservatives violate that spirit today by giving more authority to the other end of Pennsylvania Avenue.

Do you know what is going to happen? And you mark my words. The President will determine what spending priorities are and not the Congress according to our Constitution. Wake up to this issue and what we are about to do here today. The threats from the Executive are always a part of our lives in congressional reality, and everybody here knows it. I listened to that debate; it was the weakest debate I have heard. I had conservative Members come over and say, You are right. We agree with you, but we have got to do something.

Do you know what to do? Add some transparency to this system. Stop issuing press releases in the appropriations process. That would take care of this issue overnight.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4890, the Legislative Line Item Veto Act of 2006.

On April 27, the Subcommittee on the Constitution, which I chair, held a hearing on the issue and concluded that the bill Mr. RYAN has introduced will not only reduce frivolous spending, but will pass constitutional muster.

The notion of a line item veto has intrigued those concerned with wasteful Federal spending for a long time. Presidents at least since Thomas Jefferson have asserted that the Executive has some discretion in the expenditure of monies appropriated by Congress. Forty-three Governors have some form of a line item veto to reduce spending, yet until 1996 no such mechanism existed at the Federal level. And that year, Congress enacted the Line Item Veto Act that was part of the Contract with America, and it had overwhelming bipartisan support.

However, the United States Supreme Court ultimately held that the Line Item Veto Act was unconstitutional because it gave the President the power to rescind a portion of the bill as opposed to an entire bill as he is authorized to do by article I, section 7 of the Constitution.

Despite the Supreme Court's actions, the notion of a line item veto has remained very popular. During its brief life, President Clinton used the line item veto to cut 82 projects totaling over $2 billion. Most recently, line item veto proposals have been warmly received by such disparate editorial boards as The Washington Post on one hand and the Wall Street Journal on the other.

In addition, Mr. RYAN's legislation addresses the constitutional concerns that were raised by the 1996 line item veto bill, and gives the President only the authority to recommend to Congress that it rescind money, and it provides for an expedited procedure for doing so.

I would urge my colleagues not only to vote for this rule but also to support the underlying legislation. It is time that we get Federal spending under control, and this is a part of allowing us to do that.

Mr. HASTINGS of Florida. Mr. Speaker, because of the limited number of speakers that I have left, I will reserve my time and allow my colleague from Florida who has more time and maybe more speakers to proceed.

Mr. PUTNAM. I thank my friend.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I too today rise in strong support of the rule for H.R. 4890, and I would urge my colleagues to support this.

Some people are opposed to this bill and the underlying rule, because they fear that this rule gives too much power to the Executive. Well, I must respectfully disagree. This legislation is important because it forces Congress to be fiscally responsible. We simply must do a better job in reining in Federal spending.

The line item veto is nothing new to the American political system. Many States, including my own of Pennsylvania, allow the Governors the opportunity to reject individual spending initiatives that are brought within a comprehensive budgetary package.

Having served as a State representative and a State senator, I can assure you that the threat of an Executive's blue line, or blue pencil as we say in Pennsylvania, often forces smarter and more disciplined spending on the part of the legislative body. What is more, when the legislative body acts with greater fiscal restraint, the Executive is less likely to exercise that power granted under line item veto.

And if the Executive acts in an arbitrary or capricious manner, the legislative body knows how to respond and retaliate, if necessary, through the budget process. Thus, the legislature and the Executive act as potential deterrent to one another's spending proclivities. I have seen this happen many times.

This legislation as drafted does not, in my opinion, cede Congress' constitutionally mandated spending prerogative to the President. In this bill, the Chief Executive may designate for rejection up to five earmarks per spending bill, 10 in the case of an omnibus or reconciliation package. Congress, however, has the final say on those earmarks, as the legislation provides for an expedited process of returning them to Congress in order to have an up-or-down vote on those proposed rescissions. In this way, the spending proclivities of both sides are kept in check, and we will make important strides toward imposing a culture of fiscal restraint in Washington.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to my good friend, the gentlewoman from California (Mrs. CAPPS), for 1½ minutes.

Mrs. CAPPS. I thank my colleague from Florida for yielding.

Mr. Speaker, I rise in opposition to this legislation. It is laughable to use this bill for our friends in the majority to preach about responsible budgeting. We have a huge budget deficit precisely because of Republican budget policy combining endless tax cuts with endless spending, including hundreds of billions of dollars in so-called emergency spending.

For example, last week the House spent another $94 billion off the books mostly to pay for the Iraq war. No offsets, nothing to pay for this spending, just pass the cost on to future generations to worry about it.

Later today we are going to vote on another $300 billion tax bill. Again, no offsets. Is it any wonder that we have $300 billion to $400 billion annual deficits as far as the eye can see? And this bill before us is supposed to rein in wasteful spending? This President hasn't vetoed a single bill or used the rescission powers he already has.

I have a better idea, Mr. Speaker, than gimmicks like this bill. This Congress needs a new direction. We need new leadership. And there is a party that can and will do this job. We don't need to shift Congress' responsibility to control wasteful spending to the White House; we just need to change direction. We need new leadership, as I said, to have that responsibility reside right here in the Congress where it belongs. This weak and irresponsible legislation is just more proof. So I urge my colleagues to vote against the bill and against this gimmicky rule.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH), a leader on our Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. I thank the gentleman.

Mr. Speaker, Benjamin Franklin once admonished: before you consult your fancy, consult your purse.

It is the nature of all legislative bodies, including this one, to consult their constituents' fancies, but it is ultimately the responsibility of Chief Executives, including the President, to first consult the purse.

What we propose to do in this legislation is give the President a power to consult the purse that is fundamental and is available to most current Governors, a line item veto mechanism which will allow for the elimination, the challenge of individual spending items.

This is certainly a modest proposal, Mr. Speaker. It is not as strong as what we passed back in 1995 when I first came to Congress, but that was ruled unconstitutional after we gave President Clinton, a President of the other

party, the opportunity to use his line item veto authority 82 times.

President Clinton, using the line item veto, was able to cut over $600 billion in Federal spending before that power was ruled unconstitutional. It was just a few years ago, in January of 1999, I came before this body and offered a constitutional amendment to provide a strong line item veto to the President. But that ultimately proved to be too heavy a burden to carry.

We are considering a much more modest version of the line item veto today that would give the President the opportunity to veto entitlement changes and special tax breaks, as well as all discretionary appropriations. It would allow Congress to be able to act on veto packages within 10 days of the President's submission, and then Congress would have to hold up-or-down votes that would not be amended.

This is a fundamental power. This is an important part of the checks and balances. This will allow the President to unpackage pork barrel spending, the results of log rolling, and identify potential wasteful spending. This is not a panacea, but it is a fundamental reform impregnate of a range of reforms necessary in order for us to get our budget under control. I urge my colleagues to vote for the rule and for the underlying bill.

□ 1200

Mr. HASTINGS of Florida. Mr. Speaker, my good friend from Pennsylvania began his remarks by quoting Ben Franklin who also was from Pennsylvania. Let me also say to you what Mr. Franklin said. At the conclusion of the Constitutional Convention in your home State and his, Benjamin Franklin was asked, What have you wrought? He answered, A Republic, if you can keep it. He did not say a monarchy.

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

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), a member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, I rise today in support of the rule and this underlying bill, and I want to first of all commend Representative PAUL RYAN of the Ways and Means Committee for bringing up this legislation.

The Legislative Line Item Veto Act of 2006 takes a very measured approach that enables the President to recommend budget savings, but preserves the Congress' power of the purse.

Mr. Speaker, we have heard a lot of speeches this morning from the other side, and it is amazing how they are railing against two very strong, fiscally sound bills that we are going to vote on later today, a limited line item veto for the President and the virtual elimination of the death tax. Mr. Speaker, it gives them a great opportunity to rail against this Republican majority and this President, but I hope the American people are watching closely when they vote, if they vote against the virtual elimination of the death tax and against giving this President the limited power of a line item veto.

Mr. Speaker, H.R. 4890 will serve as an additional tool in our arsenal to reduce spending. This bill gives the Congress another set of eyes to review spending, with Congress still having the final say.

The gentleman from Massachusetts, one of the previous speakers, said that, well, you know, some Member might have a really great project, but some President takes political retribution. The fact is, Mr. Speaker, that we Members on both sides of the aisle would recognize that, and with a simple majority would vote it down. Rather, what would happen is that some Member would have some earmark that is nothing but a bunch of junk, like another rainforest in Iowa or a buffalo museum somewhere. The President would recognize that; he would ask us to rescind it so that that money could buy yet one more up-armored Humvee to protect our soldiers fighting in Iraq and Afghanistan.

I know some of my colleagues would prefer an even stronger bill such as a line item veto constitutional amendment, while others fear that even the underlying bill cedes too much power to the President.

Well, Mr. Speaker, this bill, I believe, balances these concerns, allowing for an additional avenue to reduce the deficit with the approval of the Congress.

However, even with the passage of the underlying bill, we must also redouble our efforts to continue the progrowth policies enacted over the past 6 years, to reduce the tax burden, which in turn increases tax revenues through a strong economy and an increased number of citizens participating in the American dream.

At the end of the day, the American people, through their ingenuity and productivity, will fix this deficit with economic growth. We just have to continue to trust them and reject these calls from the other side to raise taxes.

So, Mr. Speaker, I ask for my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 30 seconds.

The gentleman my good friend Dr. Gingrey from Georgia said we are over here railing while they are getting ready to pass later today the line item veto and repeal the ''death tax.''

Let me tell you what we ought to be railing about. Yesterday, we pulled the Voting Rights Act, an opportunity for its reauthorization. This Nation has an immigration crisis, and you are getting ready to take a dog-and-pony show on the road.

Fifty-five million Americans do not have health insurance, veterans' identities have been stolen because of incompetence, and gas prices are at an outrageous high, and here we are discussing something that ain't going to balance the budget.

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

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1½ minutes to my colleague from Texas (Mr. CONAWAY), a member of the Budget Committee.

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman yielding this time.

I rise in support of the rule and also the underlying bill. It is interesting that the other side is trying to speak out of both sides of their mouth on the fact they rail on the President constantly for not having used his veto power, and yet the previous speakers also talk about vetolike power being somehow ceding congressional responsibility to the President. I do not think you can have it both ways.

Support this decision line item veto because it does apply to all spending. In addition, the spending that would be singled out for this treatment would actually not be spent somewhere else if it were upheld, and it would actually go against reducing the deficit.

In addition, just the threat of this would act as deterrent to those Members who would put things into a particular appropriations bill or a spending bill that would be embarrassing for the President to single it out during his line item veto process.

So I rise in support of the rule and also the underlying bill and encourage my colleagues to join me.

Mr. HASTINGS of Florida. Mr. Speaker, I continue to reserve the balance of my time. I have no further speakers other than myself, and I am prepared to close.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, I thank my colleague from Florida, and special thanks to Mr. RYAN for his hard work trying to thread the needle and bring forward a bill that is constitutional, which, while not perfect, certainly is an important step in the right direction.

Why is this an important step? It shines the light on special-interest spending, whether it is earmarks or whether it is special-interest tax breaks.

Citizens Against Government Waste estimated that there were nearly 10,000 of these special-interest projects in last year's appropriations bill, totaling $29 billion, and so it is, in my opinion, extremely appropriate that we shine the light on this special-interest spending.

The substitute, which our friends on the other side of the aisle have talked about, would have further restricted this bill to make it almost meaningless by exempting large swaths of the Federal spending from this rescission authority.

We need to go forward with this bill. I would remind my friends on the other side of the aisle, it has bipartisan support. There were four members of the Budget Committee that voted for it.

Let us vote for it today and let the President have this opportunity to shine the light on unnecessary spending.

Mr. PUTNAM. Mr. Speaker, I yield 1½ minutes to my friend from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from Florida for yielding this time to me.

This is a very important bill offered by my colleague from Wisconsin (Mr. RYAN). The legislative line item veto is something that is necessary for us to get our fiscal house in order. What this will do is enable Congress to work with the executive branch to root out special-interest projects.

Case in point. We just passed an emergency spending bill not 2, 3 weeks ago on this House floor. It included $38 million for funding for the National Oceanic and Atmospheric Administration to fund ''activities involving oysters.'' This is an emergency spending bill. Certainly something that is not reasonable. I like oysters, I like them baked, I like them fried, I like them raw. They all really taste great, but does that mean that we should spend $38 million for this?

That is a great case in point for the President to be able to use a legislative line item veto and for us to act to root out this wasteful spending.

Washington big government has an infinite appetite for more, more programs, more spending, more taxes. We have to take a principled stand to reform this, to fix this problem, to root out that waste, and this will put us on a diet if we pass this legislative line item veto.

I encourage the House to approve the rule today and to vote for the underlying bill.

Mr. PUTNAM. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Florida (Mr. PUTNAM) has 4½ minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 2½ minutes remaining.

Mr. PUTNAM. Mr. Speaker, I thank the Speaker, and I would inform my friend from Florida that I have no further speakers and we prepared to close as well.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining amount of our time.

During the course of this debate and discussion, I have cited to the United States Constitution frequently. I remind my colleagues that article I of the United States Constitution created the Congress. Article II created the President of the United States. Article III created the courts. The Founders must have had something in their mind as to what was first, and as it pertains to the power of the purse, they made it exactingly clear.

In this same Constitution, there are four sections dealing with powers of the President, 10 sections dealing with the powers of Congress.

Mr. Speaker, I will be asking Members to vote ''no'' on the previous question so I can amend the rule to provide that immediately after the House adopts this rule, it will provide for separate consideration of legislation introduced by Representative SPRATT that provides a comprehensive approach to controlling our spiraling deficits without stripping the House of Representatives of its power of the purse.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, before we turn over our constitutionally granted power to the executive branch, let us vote on a measure that will actually reduce the deficit, rein in irresponsible spending and help to bring accountability back to the House's legislative process.

Mr. SPRATT's bill does many things to encourage deficit reduction. It reinstates pay-as-you-go rules for both mandatory spending and revenues. It amends the Congressional Budget Act to stop the reconciliation process from being used to make the deficit worse or the surplus smaller. It enforces the 3-day layover requirement in the House rules to give Members adequate time to review legislation. It adds earmark provisions. The bill protects important mandatory spending like Social Security, Medicare and veterans benefits from any expedited rescission process. It prohibits the President or executive branch officials from using the rescission authority as a bargaining tool or even a source of blackmail just to secure votes.

In all fairness, when Mr. Clinton was the President of the United States, the first thing that he did with the veto power he had was veto something in toto.

It will be used in a partisan manner.

It is important for Members to know that defeating the previous question will not block the underlying bill, but by voting ''no'' on the previous question, we will be able to consider the Spratt alternative bill.

I urge all Members to vote ''no'' on the previous question.

Mr. PUTNAM. Mr. Speaker, this has been an important debate. It has been a good debate about an issue that has been around for a long time, and it has been around under a variety of iterations, the first version having been found unconstitutional, as my friend from Florida pointed out, and read to us from the Constitution. But because of that, the sponsor of this bill has adjusted it so that it is written in a constitutional form, and it is written in a constitutional form because it leaves the power of the purse in the hands of Congress, as the gentleman pointed out in article I of the Constitution.

It says that we have yet another resource for the President and the Congress to work together to eliminate wasteful spending which we all know exists in this town, but it says that the final say-so rests with the Congress, so the final power of the purse remains in the legislative branch, a very important point.

My friend also overlooks the fact that in these different versions that have been around and most recently have been around in almost identical form to what we are hearing and debating today, there has been support for the Democratic-sponsored version of 174 Democrats when President Clinton was the one who would get the line item veto; in 1994, under the sponsorship of a Democrat, 173 Democrats supporting; in 2004, a bipartisan-sponsored bill, 45 Democrats supporting. Apparently there was a change of heart depending on who the President was in office, whether there was Democratic support for the line item veto; 174 votes for the line item veto when President Clinton was in office, only 45 when President Bush was in office.

□ 1215

But be that as it may, this remains a bipartisan issue. It is an institutional issue. And this effort is carefully crafted to protect this institution, this legislative branch, so that the power of the purse rests with us; but we have expanded the ability to root out wasteful spending.

This is an important issue. I urge the House to adopt the rule and adopt the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I have the honor of chairing the Subcommittee on Legislative and Budget Process of the Rules Committee. My Subcommittee was the first to address this legislation with a hearing last March, shortly after the measure was introduced.

During our hearing, we heard from two distinguished Members of the House, including the bill's sponsor, Representative PAUL RYAN, as well as Chairman LEWIS of the Appropriations Committee. And we heard the administration's position from Office of Management and Budget (OMB) Deputy Director, now Deputy Chief of Staff for the President, Joel Kaplan. Finally, we received historical perspective on this issue from Donald Marron, the Acting Director of the Congressional Budget Office (CBO).

Several problems were brought out with regard to the legislation. I believe that the Committees of jurisdiction have worked diligently with the author of the resolution to appropriately address most problems. Among the concerns brought out during our Subcommittee hearing were:

The number of special messages that could be submitted by the President on each annual Appropriations law.

The amount of time that the President could withhold funding for requested rescissions.

The scope of the rescission request, specifically tax benefits and mandatory spending.

I am pleased that input was welcomed by Representative RYAN and that these concerns

have been addressed. Parameters have been included that will lessen the potential legislative burden on the Congress and prevent the possibility of excessive delaying tactics by the President.

I certainly do not believe that the underlying legislation is perfect. Despite the recent changes, I think that five special messages per bill may still be too many. Think about 50 possible expedited special messages that Congress would have to consider after passing 10 appropriations bills. The legislative burden may be extraordinary.

In balance, however, since the bill gives us another tool to promote good stewardship of the people's money, I urge my colleagues to support the Rule and the underlying legislation. I look forward to a full debate on efforts such as this to increase fiscal discipline in the Congress' budget process.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 886—THE RULE PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO

At the end of the resolution add the following new section:

''SEC. 2. Immediately upon the adoption of this resolution, the Speaker shall, 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. 5667) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of discretionary budget authority, promote fiscal responsibility, reinstate Pay-As-You-Go rules, require responsible use of reconciliation procedures, 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 the Budget. The bill shall be considered as read. 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.

SEC. 3. If the Committee of the Whole rises and reports that it has come to no resolution of the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of Rule XIV, resolve into the Committee of the Whole for further consideration of the bill.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS of Florida. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 885, by the yeas and nays;

Adoption of H. Res. 885, if ordered;

Ordering the previous question on H. Res. 886, by the yeas and nays;

Adoption of H. Res. 886, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5638, PERMANENT ESTATE TAX RELIEF ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 885, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 12, as follows:

[Roll No. 308]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy

Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
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
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Cannon
Davis (FL)
Evans
Gohmert
Johnson, Sam
Marchant
Pence
Reyes
Serrano
Shays
Smith (WA)
Waters

□ 1240

Mr. CHANDLER and Mr. JEFFERSON changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 194, not voting 10, as follows:

[Roll No. 309]

AYES—228

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

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Cannon
Carnahan
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Smith (WA)
Waters

□ 1248

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.

PROVIDING FOR CONSIDERATION OF H.R. 4890, LEGISLATIVE LINE ITEM VETO ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 886, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 196, not voting 9, as follows:

[Roll No. 310]

YEAS—227

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

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Cannon
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Smith (WA)
Waters

□ 1257

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 196, not voting 8, as follows:

[Roll No. 311]

AYES—228

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

NOES—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro

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

NOT VOTING—8

Cannon
Davis (FL)
Evans
Johnson, Sam
Reyes
Serrano
Shays
Waters

□ 1305

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.

MESSAGE FROM THE SENATE

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

S. Con. Res. 103. Concurrent resolution to correct the enrollment of the bill H.R. 889.

PERMANENT ESTATE TAX RELIEF ACT OF 2006

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 885, I call up the bill (H.R. 5638) to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

Ms. PELOSI. Mr. Speaker, I rise on the question of consideration. It is inappropriate to consider this bill until the Republican leadership schedules a vote on an increase in the minimum wage, which they are now blocking. Therefore, under clause 3, rule XVI, I demand a vote on the question of consideration.

The SPEAKER pro tempore. The gentlewoman from California demands the question of consideration.

Under clause 3 of rule XVI, the question is, Will the House now consider the bill?

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

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 188, not voting 6, as follows:

[Roll No. 312]

AYES—238

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

NOES—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Davis (FL)
Evans
Johnson, Sam
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1323

Mr. SULLIVAN and Mr. MATHESON changed their vote from ''no'' to ''aye.''

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.

The SPEAKER pro tempore. Pursuant to House Resolution 885, the bill is considered read.

The text of the bill is as follows:

H.R. 5638

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 ''Permanent Estate Tax Relief Act of 2006''.

SEC. 2. REFORM AND EXTENSION OF ESTATE TAX AFTER 2009.

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $5,000,000.—Subsection (c) of section 2010 of such Code (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 the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.''.

(c) RATE SCHEDULE.—

(1) IN GENERAL.—Subsection (c) of section 2001 of such Code (relating to rate schedule) is amended to read as follows:

''(c) RATE SCHEDULE.—The tentative tax is equal to the sum of—

''(1) the product of the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as does not exceed $25,000,000, and

''(2) the product of twice the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as equals or exceeds $25,000,000.''.

(2) CONFORMING AMENDMENT.—Section 2502(a) of such Code (relating computation of tax), after the application of subsection (g), is amended by adding at the end the following flush sentence:

''In computing the tentative tax under section 2001(c) for purposes of this subsection, 'the last day of the calendar year in which the gift was made' shall be substituted for 'the date of the decedent's death' each place it appears in such section.''.

(d) 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 such Code (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), after the application of subsection (g), 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 used in computing the tax 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.''.

(e) REPEAL OF DEDUCTION FOR STATE DEATH TAXES.—

(1) IN GENERAL.—Section 2058 of such Code (relating to State death taxes) is amended by adding at the end the following:

''(c) TERMINATION.—This section shall not apply to the estates of decedents dying after December 31, 2009.''.

(2) CONFORMING AMENDMENT.—Section 2106(a)(4) of such Code is amended by adding at the end the following new sentence: ''This paragraph shall not apply to the estates of decedents dying after December 31, 2009.''.

(f) 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.

(g) ADDITIONAL MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) SUNSET NOT TO APPLY TO TITLE V OF EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) REPEAL OF DEADWOOD.—

(A) Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 of such Code is amended by striking the item relating to section 2604.

SEC. 3. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 2(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

''(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

''(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

''(A) the applicable exclusion amount of the deceased spouse, over

''(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(6) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of such Code, as amended by section 2, is amended to read as follows:

''(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 6018(a)(1) of such Code, after the application of section 2(g), is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) 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.

SEC. 4. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of

1986 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

''(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

''(1) the taxpayer's qualified timber gain for such year, or

''(2) the taxpayer's net capital gain for such year.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

''(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

''(2) the sum of the taxpayer's losses described in such subsections for such year.

''(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

''(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

''(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

''(d) TERMINATION.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).''.

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) of such Code is amended to read as follows:

''(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

''(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

''(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

''(i) the amount described in paragraph (1) of section 1203(a), or

''(ii) the amount described in paragraph (2) of such section.''.

(2) CORPORATIONS.—Section 1201 of such Code is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).''.

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence the following new paragraph:

''(21) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.''.

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) of such Code is amended by adding at the end the following new clause:

''(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.''.

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) of such Code is amended by inserting after clause (iii) the following new clause:

''(iv) The deduction allowed under section 1203.''.

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

''(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.''.

(2) Paragraph (4) of section 642(c) of such Code is amended by striking the first sentence and inserting the following: ''To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.''.

(3) Paragraph (3) of section 643(a) of such Code is amended by striking the last sentence and inserting the following: ''The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.''.

(4) Subparagraph (C) of section 643(a)(6) of such Code is amended to read as follows:

''(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

''(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

''(ii) the deduction under section 1203 shall not be taken into account.''.

(5) Paragraph (4) of section 691(c) of such Code is amended by inserting ''1203,'' after ''1202,''.

(6) Paragraph (2) of section 871(a) of such Code is amended by striking ''section 1202'' and inserting ''sections 1202 and 1203''.

(7) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 1203. Deduction for qualified timber gain.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

The SPEAKER pro tempore. The amendment printed in House Report 109–517 is adopted.

The text of the bill, as amended, is as follows:

H.R. 5638

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 ''Permanent Estate Tax Relief Act of 2006''.

SEC. 2. REFORM AND EXTENSION OF ESTATE TAX AFTER 2009.

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of subsection (g), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO $5,000,000.—Subsection (c) of section 2010 of such Code (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 the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.''.

''(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 $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(c) RATE SCHEDULE.—

(1) IN GENERAL.—Subsection (c) of section 2001 of such Code (relating to rate schedule) is amended to read as follows:

''(c) RATE SCHEDULE.—The tentative tax is equal to the sum of—

''(1) the product of the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as does not exceed $25,000,000, and

''(2) the product of twice the rate specified in section 1(h)(1)(C) in effect on the date of the decedent's death multiplied by so much of the sum described in subsection (b)(1) as equals or exceeds $25,000,000.''.

(2) CONFORMING AMENDMENT.—Section 2502(a) of such Code (relating computation of tax), after the application of subsection (g), is amended by adding at the end the following flush sentence:

''In computing the tentative tax under section 2001(c) for purposes of this subsection, 'the last day of the calendar year in which the gift was made' shall be substituted for 'the date of the decedent's death' each place it appears in such section.''.

(d) 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 such Code (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), after the application of subsection (g), 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 used in computing the tax 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.''.

(e) REPEAL OF DEDUCTION FOR STATE DEATH TAXES.—

(1) IN GENERAL.—Section 2058 of such Code (relating to State death taxes) is amended by adding at the end the following:

''(c) TERMINATION.—This section shall not apply to the estates of decedents dying after December 31, 2009.''.

(2) CONFORMING AMENDMENT.—Section 2106(a)(4) of such Code is amended by adding at the end the following new sentence: ''This paragraph shall not apply to the estates of decedents dying after December 31, 2009.''.

(f) 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.

(g) ADDITIONAL MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) SUNSET NOT TO APPLY TO TITLE V OF EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) REPEAL OF DEADWOOD.—

(A) Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 of such Code is amended by striking the item relating to section 2604.

SEC. 3. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 2(b), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

''(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 $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

''(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

''(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2009, the excess (if any) of—

''(A) the applicable exclusion amount of the deceased spouse, over

''(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(6) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of such Code, as amended by section 2, is amended to read as follows:

''(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) of such Code is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) of such Code, after the application of section 2(g), is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) 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.

SEC. 4. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

''(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

''(1) the taxpayer's qualified timber gain for such year, or

''(2) the taxpayer's net capital gain for such year.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

''(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

''(2) the sum of the taxpayer's losses described in such subsections for such year.

''(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10))—

''(1) the election under this section shall be made separately by each taxpayer subject to tax on such gain, and

''(2) the Secretary may prescribe such regulations as are appropriate to apply this section to such gain.

''(d) TERMINATION.—No disposition of timber after December 31, 2008, shall be taken into account under subsection (b).''.

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) of such Code is amended to read as follows:

''(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

''(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

''(B) in the case of a taxable year with respect to which an election is in effect under section 1203, the lesser of—

''(i) the amount described in paragraph (1) of section 1203(a), or

''(ii) the amount described in paragraph (2) of such section.''.

(2) CORPORATIONS.—Section 1201 of such Code is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).''.

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting before the last sentence the following new paragraph:

''(21) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.''.

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) of such Code is amended by adding at the end the following new clause:

''(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.''.

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) of such Code is amended by inserting after clause (iii) the following new clause:

''(iv) The deduction allowed under section 1203.''.

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) of such Code is amended to read as follows:

''(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.''.

(2) Paragraph (4) of section 642(c) of such Code is amended by striking the first sentence and inserting the following: ''To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203.''.

(3) Paragraph (3) of section 643(a) of such Code is amended by striking the last sentence and inserting the following: ''The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account.''.

(4) Subparagraph (C) of section 643(a)(6) of such Code is amended to read as follows:

''(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

''(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

''(ii) the deduction under section 1203 shall not be taken into account.''.

(5) Paragraph (4) of section 691(c) of such Code is amended by inserting ''1203,'' after ''1202,''.

(6) Paragraph (2) of section 871(a) of such Code is amended by striking ''section 1202'' and inserting ''sections 1202 and 1203''.

(7) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 1203. Deduction for qualified timber gain.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York, (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, on June 16, the United States Senate majority leader put out the following statement asking for the House to send estate tax legislation to the Senate: ''I will ask the Speaker of the House to send a bill to us that would be a permanent solution to the death tax. I will encourage them to attach appropriate provisions to make it attractive and will hold a vote by July 4.'' This measure, H.R. 5638, is the response to the majority leader's request.

This House is on record with a bipartisan vote in favor of repealing the estate, or death, tax. But we know that the Senate on a procedural or cloture vote rejected that offer from the House by 57 votes in favor of moving forward, short of the 60 necessary.

I heard during the discussion on the rule the ranking minority member on Rules, Ms. SLAUGHTER, say that this bill, H.R. 5638, will pass. I, too, in agreeing with her, believe that the bill will pass. It will be available to the Senate to take from the desk, and it will be then the Senate's decision to pass or defeat it.

I want to underscore the point, this is a response to the majority leader's request. This is not a first offer; it is the only offer to the majority leader's request that the chairman intends to offer.

This bill was crafted as a compromise. Compromises are supposed to be reasonable; but, most importantly, they are supposed to be doable. The goal of a compromise is to make law. H.R. 5638 is a compromise.

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

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

Mr. Speaker, some may ask, why now are we taking up this bill? Why have we decided, that is, the majority, that at a time that our Nation is at war, when our men and women are dying to bring democracy to Iraq, where there are problems getting the equipment they need to protect themselves, when we cannot provide even our veterans with adequate health care and education opportunities, why now, when we find ourselves with a historic $9 trillion indebtedness, when just the interest of this debt is going to prohibit the Congresses that follow us from doing the things that our great Nation would want to do, why now, when the people that have been hit by Rita and Katrina can't restore their lives, why now, when the poor are increasing in population, are we reaching out to the richest of the rich Americans? Why now would the Republican leadership make this a priority for three-tenths of 1 percent of the American people?

Who are these people? How do they have such a communication with the leadership?

The Joint Economic Committee, which is not Republican and not Democrat, they are just fair, they say under existing law nobody except 7,500 families would be liable for any taxes on an estate.

They call it a ''death tax'' because they know how to play on words. Dead people don't pay taxes. But they can use what they want to get people emotionally involved.

But if there is anyone that is concerned about this Republic and making certain that the economy is sound and that wars that we start are paid for and that old folks are able to be taken care of through a Social Security act, why now would they come with this repeal? Because it is a repeal. It is 80 percent a repeal. It is going to cost more than the original repeal. Why do they want these sound tracks to be able to say that they supported repeal of the death tax?

□ 1330

I am going to tell you why. Because they have a mission. They are so organized that they want to destroy everything that Franklin Delano Roosevelt started. And it is not me that is saying that. It is their voting record that says it. Things that Americans are so proud of.

Social Security, a little cushion for people who worked every day in their lives and all they want is a little help with their security. Privatization, that is what we have to do. Medicare, this is something that we have come to depend on. They want it to implode, the things that they cannot deal with from a political point of view, the third rails, if they will.

If they make certain that there are no resources left for Democrats to handle, they have won. And they don't care how many Republicans lose, because their mission is to destroy every bit of social services by saying how can we pay for it.

So I submit to you that anytime a party is prepared to give $2 trillion of tax cuts because it is going to present economic growth and then go to Communist China to borrow the money, there is something wrong with that picture.

And I am suggesting, too, that these 7,500 beneficiaries, they are not begging for this money. They are not getting calls every day. We certainly don't get them. And they wish they were getting them, but they are not getting them, because most people God has blessed to get into this income status are so satisfied that they believe that they owe this Republic some indebtedness for the freedom and equality and opportunity that they receive.

And so if you have any question about supporting the programs that you are proud of as Americans, not as Democrats, not as Republicans, remember one thing: if you get carried with the emotion, one day you will have to explain, why now? Why, when your great country was in so much debt, did you figure that you had to reward 7,500 people? Why now, when your Nation is at war and the GIs will be coming back, those that do, and they ask why can't we get a decent shake and you say because we didn't have the money, we had to give it to the 7,500? Why now, when you take a look at the budgets that we are going to have, either as Republican leadership or Democratic leadership, that we are going to say that the interest that we owe to

foreign countries prevent us from taking care of the things that we have here?

This is not a scheme to reward 7,500 people. This is a scheme to take the resources away from this great Nation that has a commitment to our young and our old for health and education and the things that would really make us a strong Nation. And at the end of the day the fact that they are going to lose the majority won't mean anything because it would be a part of a plan not to perpetuate Republican or, for lack of a better word, leadership, but to destroy a system that Franklin Roosevelt had the hearts and the minds of this great country.

So I submit to you, you can do what sounds like it is the right thing to do because they call it a death tax, but it will be the death of democracy and freedom and the ability to provide the services that are expected of us, not as politicians, but as Americans and Members of Congress. This is going to be a historic vote, and the question is going to be, Which side of this vote did you vote on?

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gallery is requested to refrain from showing either positive or negative response to proceedings on the floor.

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

Mr. Speaker, as we might have expected, the gentleman from New York wheeled out all the usual arguments. I hope he didn't trip as he went back to his seat with the flag tightly wrapped around him in terms of his arguments of patriotism. The class warfare card was played; the rich card was played.

''This is for the richest of the rich,'' he said. I tell the gentleman from California, I will quote who know who the richest of the rich are. In today's Wall Street Journal editorial they said, ''But now comes Mr. THOMAS, the chief tax writer, who has proposed a compromise that would be voted on as early as today but is hardly an improvement over current law.''

I will tell you who the richest of the rich are. Dick Patton of the American Family Business Institute says, ''We flatly oppose the Thomas plan. The more our members hear about it, the angrier they get.'' Who are they? The real richest of the rich.

So I find it rather ironic that they need to play those same old tired cards that this is the rich versus everyone else, when today the rich have spoken. They don't like the compromise. A compromise is a compromise.

Now, let us turn to a paper, The Washington Post, which said yesterday: ''The search for a compromise has pitted affluent small business owners against the truly rich, families with estates valued at tens of millions of dollars.'' The paper says: ''Thomas came down in favor of the business owners.'' And we know the Wall Street Journal agrees I didn't come down on the side of the rich.

This is a compromise. We will send it over to the Senate, and we will see if there are 60 Members of the Senate that want to remove once and for all the uncertainty in this very difficult area.

The National Federation of Independent Business says this is a reasonable compromise and they will be watching everyone's vote. Who? For the very rich? No. For the small businessman that creates all the jobs. A few extra dollars and the ability to keep the business together after the principal owner has died will make sure that we can continue this economy in the robust way in which it has continued.

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

Mr. RANGEL. Mr. Speaker, if the rich don't want it and the middle class don't want it, why can't we get on with just the minimum-wage increase and put this behind us?

Mr. Speaker, the gentleman from Michigan (Mr. KILDEE) has a unanimous consent request.

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

Mr. KILDEE. Mr. Speaker, I rise in opposition to H.R. 5638.

Mr. Speaker, in the past, I had considered supporting legislation that would exempt the first $5 million per individual and $10 million per couple from the Federal estate tax.

I believed that to be a reasonable compromise to a complete repeal of the Estate Tax.

But I supported that figure of $5 and $10 million exemption before other tax cuts had driven us into huge deficits.

This Congress has already approved seven tax cuts.

In addition, Mr. Speaker, our Nation is currently engaged in two wars, two very costly wars in terms of human lives and Federal tax dollars.

Seven tax cuts and two wars make it difficult for me to support this reform of the Federal estate tax.

I also wish the House Republican leadership had allowed us to offer the reasonable democratic substitute amendment.

Our amendment would permanently raise the exemption on the estate tax to $3.5 million per person and $7 million per couple.

An exemption at that level would protect over 99 percent of all Americans from ever having to worry about paying the estate tax.

Mr. Speaker, I urge my colleagues to oppose H.R. 5638.

Mr. RANGEL. Mr. Speaker, I would like our Democratic whip, the distinguished gentleman from Maryland (Mr. HOYER), to be given 2½ minutes.

Mr. HOYER. This has nothing to do with the economy and everything to do with fiscal responsibility.

Mr. Speaker, over the last 5½ years, this Republican majority has repeatedly pushed tax legislation that is blatantly unfair, grossly irresponsible, and fiscally ruinous. Today, however, they outdo even themselves.

Our Nation is at war, our brave troops are under fire, our Nation is facing record budget deficits. That is the legacy of this Republican leadership. And the national debt, which now stands at $8.4 trillion, is exploding under this Republican Congress and administration.

Despite all the challenges facing the people of our Nation, today this Republican majority insists that we give a huge tax break to the heirs of the wealthiest people in America. I am for modification that is in process, not this bill.

If there ever was a bill that demonstrated the Republican Party's misguided priorities and the deep differences between our parties, this is the one. Democrats are continuing to fight to raise the Federal minimum wage which has not been increased since 1997 and which is at its lowest level in half a century; 6.6 million workers would be affected, 7,500 people in this bill.

As the majority leader told the press on Tuesday: ''I am opposed to it,'' meaning the increase in the minimum wage, ''and I think the vast majority of our conference is opposed to it.''

But this bill comes to us, not been to committee, never marked up in committee, comes directly to the floor with no consideration.

Let us be clear about the facts. Less than 1 percent of all estates in America will pay estate taxes in 2006 under this year's exemption before this bill. And when the exemption increases in 2009 to $3.5 million, which I have supported, $7 million for couples, only 7,500 estates in America will be subject to the estate tax. But that is not enough. Warren Buffet said they talk about class warfare and his class is winning. Amen, Mr. Buffet.

Today, House Republicans are falling all over themselves to give the heirs of approximately 7,500 estates a tax cut. This bill is not only morally reprehensible but fiscally irresponsible. The Center for Budget and Policy Priorities estimates that this Republican bill will cost $762 billion over its first 10 years.

You don't have $762 billion. We are all correct, you are going to borrow it for the Chinese, from the Saudis, from the Germans, from the Japanese, and others. And who is going to pay the bill? Our children are going to have to pay the bill, our grandchildren are going to have to pay that bill, because you don't have the money.

The Wall Street Journal, which was quoted by Mr. THOMAS, said the other day they didn't agree with PAYGO. Why don't they agree with PAYGO? Because it would undercut tax cuts. Why would it undercut tax cuts? Because you neither have the courage nor the ability to pay for your tax cuts.

Vote against this bad bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, the Chair requests that visitors in the gallery refrain from showing either positive or negative response to proceedings on the floor.

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

I am heartened by the gentleman from Maryland's statement that he is now in support of current law which will move to 3.5. Everyone just needs to remember he was opposed to the legislation that put it into effect. I expect 5 or 6 years from now he will be in favor of this particular measure when he speaks on the floor, although he will be opposed to putting it into law. I always appreciate those kinds of positions.

The gentleman also quoted a very liberal think tank that dreams up numbers that allows them to make outlandish statements on the floor of the House. The Joint Committee on Taxation, the official scorekeeper, says that over a 10-year period this measure will not be $700-some billion; it is $283 billion.

Again, you will hear extremely outrageous statements, as we heard on the underlying legislation in which, for example, the gentleman from Maryland opposed but now blithely says I support. The point is, why not be right the first time? Why not support the legislation when it is in front of you? Why not vote now for H.R. 5638 instead of waiting to say you are for what the bill did after it becomes law?

Mr. Speaker, it is now my pleasure to yield 2 minutes to a member of the Ways and Means Committee, the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. I thank the distinguished chairman of the Ways and Means Committee for this time as we again return to the well of the people's House; and how interesting it is, Mr. Speaker, that so many arguments are devoid of real facts and taken perhaps as articles of faith.

I heard the minority whip come to the well and attempt to whip up partisan passions as if this bill had some grand nefarious design. No, Mr. Speaker, that is not the case. And I will avoid pointing out the obvious outlook of my friends on the left who basically take as an article of faith that people who succeed should be penalized.

I rise in strong support of this commonsense compromise because, according to the Joint Committee on Taxation, this legislation would permanently protect more than 99.7 percent of all taxpayers from ever paying this egregious estate tax and would reduce the harmful economic distortions caused by the current law estate tax.

And, again, this is not a partisan argument. The standard bearer of the Democratic Party in the State of Arizona, now a decade ago, has constantly contacted me as a Member of Congress saying: When are you going to take longlasting action on the estate tax? Because I cannot pass my business down to my children in the current conditions.

□ 1345

Why would we penalize those who succeed, and on top of that, by extension, penalize the very people my friends on the left purport to help? Because business owners create jobs. The government does not create the jobs.

For increased economic activity, for a good, solid, consistent policy that helps the most people in the best ways, support this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), an outstanding member of the Ways and Means Committee.

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

Mr. LEVIN. Mr. Speaker, this bill is a test whose side are you on: The 300 million Americans who will be alive in the year 2009 or the 7,500 families whose estates would be taxed according to 2009 law and figures. That is a Joint Tax Committee statement. It is 300 million versus 7,500 families.

This is not a compromise. This is a sellout, a sellout of 300 million people.

It is at a time that you will not even bring up a minimum-wage bill. At a time when middle-income families are under pressure. I read from The Economist, not a very liberal magazine: In the late 1990s everybody shared in this boom, but after 2000 something changed. After you adjust for inflation, the wages of the typical American worker have risen less than 1 percent since 2000. In the previous 5 years, they rose over 6 percent.

Yes, there is class warfare by you on 300 million Americans, not on the family farmer, the small business person. Under our approach, 99-plus of people with estates would not be taxed at all.

Essentially, you are saying to 300 million, you pay the $800 billion the cost of this bill in the full 10 years. That is the accurate figure.

This bill is irresponsible fiscally, and it is immoral in terms of values.

Let us have a resounding ''no'' vote on this irresponsible legislation.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA) on the compromise bill, H.R. 5638.

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

Mr. ISSA. Mr. Speaker, I want to thank the chairman for bringing this important piece of legislation to the floor, not because it is good enough. It is not. Not because it pleases the Democrats. It does not. But because it is the best we can do.

I just came from speaking with the very small business people that you just heard somehow they were going to protect in another way. I just finished hearing that 300 million people is what it was all about, which is a rounding error up, and 7,500 that would pay the tax that die, but, of course, we are using two different figures, as we often do.

It is not about 300 million, because 300 million people will not die next year, but it is about the businesses that will die if we do not do something, and this is not good enough. It is a down payment.

I rise in support of this bill, not because it is good enough. It is not. It does not keep the promise I made to the people of my district to end once and for all the double taxation of the dead, but I do rise in support of this because it is the best we can do. I promise today to vote for this bill, and then I promise to come back until, in fact, we once and for all eliminate the unreasonable and unfair double taxation.

So please support this piece of important legislation.

Mr. RANGEL. Mr. Speaker, and that is the best they can do.

Mr. Speaker, I yield 2 minutes to the outstanding gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank Mr. RANGEL for yielding me this time.

There is no question that we need to clean up our Tax Code. We need to make it predictable. We need to deal with expiring provisions. I would hope that we would deal with the savers' credit that is scheduled to expire because that helps low-wage workers, and we need to deal with that.

I would hope that we would adjust the Federal estate tax and make the changes permanent, but I cannot support this bill.

This bill is fiscally irresponsible. By the chairman's own account, the Joint Tax Committee estimates that it will cost us $283 billion that we do not have. That $283 billion is basically in the second 5 years of the program because we already have a law in place now. So the annual loss of revenue is close to $60 billion a year. There is no offset to that loss.

To the credit of a Marylander who contacted me and wants to see a permanent change in the estate tax, that person at least had enough courage to suggest offsets so that we would not be adding to the deficit of the country, but this legislation does not do that. It is fiscally irresponsible.

Mr. Speaker, it speaks to our priorities. Yes, we have time to deal with estate taxes that will benefit basically people who have wealth in excess of millions of dollars, but we do not have enough time to deal with increasing the minimum wage that has been stagnant now for the last 10 years, people making $5.15 an hour. Where is the priority of this Congress?

We have time to take up the reform of the estate tax, but we cannot deal with college education costs and a tuition tax credit that was allowed to expire. Where is our compassion for people who really do need our help? Two hundred eighty-three billion dollars for the wealthy, nothing to help people who are trying to struggle with a college education.

How about the doughnut hole in Medicare? We know seniors cannot afford it. How about using some of that money to deal with the Medicare prescription drug bill, or how about paying down our deficit?

I would hope that both Democrats and Republicans would agree that our first priority should be to pay down our deficit. The problem, Mr. Speaker, is that we are not dealing with the problems of typical families. Instead, we are dealing with those who do not need the help.

I urge my colleagues to reject this legislation.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, all across America following the death of a loved one, people of modest means are all too often faced with the grim prospect of selling a family farm or small business just to pay the taxes that come due. Such was the case in my own family when my cousins had to sell the farm that had been in our family since the early 1900s just to pay the taxes. This is simply wrong.

I rise in strong support of the Permanent Estate Tax Relief Act. Like many others in the House, I continue to strongly support permanent repeal of the death tax. Americans should not have to pay this onerous double tax on savings and capital.

Currently, we are scheduled to have a 1-year full repeal of the death tax in 2010, but if Congress fails to act, the death tax will return full force in 2011, reducing exemption levels and restoring maximum tax rates of nearly 60 percent.

Mr. Speaker, this bill before us institutes permanent relief for those subject to the death tax and restores predictability and certainty to small business owners and family farmers planning for the future. It boosts exemption levels and adjusts them for inflation, and with maximum rates tied to capital gains rates, those still subject to the tax will see their burden significantly reduced.

Mr. Speaker, I urge passage of this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the outstanding gentleman from the State of Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, as I look around the House today, there is scarcely a dozen people on the floor, so they must be somewhere else, probably watching this on television.

So those of you who have just tuned in on television, you are watching not the House of Representatives, but the theater of the absurd. What has gone on in this floor this morning and will continue in this afternoon is absolutely absurd.

The first thing we did was we refused to consider a bill to raise the minimum wage. The minimum wage has been the same since 9 year ago, $5.15 an hour. This is what ordinary Americans consider a starting wage, and this House will not do it.

Now, the second act of this theater of the absurd is let us get rid of the estate tax. It was put in by who? By a public-spirited Republican. Theodore Roosevelt, right. It was not some wild-eyed lefty. It was a guy who was a public-spirited Republican President of the United States, and it is used as a way to finance things that we think we ought to do.

If you read last Sunday's New York Times, and you read the debt that this country is in, and just read the section on college debt, you can see what we could do if we would shift the cost of education back on to the State and off the back of our kids. The average debt coming out of college is $20,000. Why would you want to be a schoolteacher dragging that kind of debt or a doctor, $150,000? But, no, we have to pass a law to give an unending ability of people to get rich in this country and never give anything back.

Now, when you talk about who calls you in your district, well, Mr. Gates called me and he said, do not vote for the repeal of the estate tax.

Now, the third act to this thing, just so you understand how really crazy this is, the third act we are going to do before we leave here today is pass the line item veto to the President. It is a total capitulation by the right, by the House Republicans, saying, please save us from ourselves; we cannot stop giving money away.

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

It is a pleasure to indicate that for the first time in my memory I completely agreed with the gentleman from Washington when he said, if you have just tuned in, and you are watching me, you are watching the theater of the absurd.

We are not repealing the estate tax so Mr. Gates wasted a phone call. I hope he is a little more in tune with what is going on in the software world than he is what is going on in the floor of the House.

We are not doing away with the estate tax. We are producing a compromise which will pass this House and go to the Senate in an attempt to make permanent law and remove uncertainty.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, when I first came to Congress, I had a family-owned nursery come sit down with me and explain to me the effect of the death tax, and two of the three children still worked in the nursery. What they showed me on paper was that because the tax, when their parents died, if they could take out enough life insurance on their parents, and if they could go back to the bank and borrow enough money, which, by the way, they spent years getting out of debt, but if they could borrow enough money, they might be able to keep their family nursery. Think about that. They were telling me if they could make enough money off their parents' death and borrow enough money, they might be able to keep their family nursery, might.

The death tax is the wrong tax. It hits the wrong people at exactly the wrong time. It is the number one reason small businesses do not get handed down to the next generation. It is the main reason more and more family farmers and ranches get sold off to pay Uncle Sam for all the big spending programs we have here today.

Permanent repeal of the death tax remains everyone's goal, my belief, on the Republican side of this Chamber.

□ 1400

But any day I can free more family farms and ranches from the specter of the death tax, I am going to support it. Any day I can lower the death tax rate permanently on family groceries and family small businesses, I am strongly going to do that. Until full repeal occurs, I will strongly support lowering this tax. I support this bill.

Mr. RANGEL. Mr. Speaker, I recognize the conscience of the Democratic Caucus, Mr. LEWIS, the gentleman from Georgia, for 2 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend, Mr. RANGEL, for yielding.

Mr. Speaker, I come to the floor today because I am sick and tired of the greed that is prevailing in this House. The Republican majority today will help millionaires with their estate tax cut while forgetting hardworking Americans, millions of them, by refusing to increase the minimum wage. This is unbelievable. It is immoral and it is wrong.

The majority must wake up and see the struggles of minimum-wage workers. They work hard every day to feed their families. People cannot afford health care. People are struggling to fill their cars with gasoline. Many people live in poverty. They live paycheck to paycheck, and they have not seen an increase in the minimum wage in 9 years.

This Congress should be ashamed. Be ashamed. When will we stop helping the superrich? They do not need our help. They are not begging for our help. They are not calling us, they are not sending letters or e-mails, they are not petitioning us to help. When will we start to take care of the least among us?

What would the great teacher say, what would the great teacher say when he comes into the Chamber and sweeps the money out of the Chamber?

Franklin Delano Roosevelt says that ''the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.'' We are failing this test and we are failing the American people. This is not progress. This is not helping the least among us. This is greed and it is disgraceful.

I urge my colleagues to defeat this bill.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to a member of the Ways and Means Committee, the gentlewoman from Pennsylvania (Ms. HART).

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

Ms. HART. Mr. Speaker, I thank the chairman for yielding me some time on this issue, one that I have worked on for quite a few years.

When I was a State senator in Pennsylvania, we rolled back the death tax 1.5 percent. We immediately saw healthier small businesses, healthier family businesses, and healthier family bank accounts.

I rise in support of this bill that further addresses a tax problem that the Federal Government has attempted to solve for a number of years. It is one of the main issues I hear about from my constituents when we talk about tax policy and what incentives we need in our Tax Code to promote entrepreneurship and to promote economic and job growth.

The death tax is a clear example of tax law that deters this kind of growth. It deters an individual from starting a business. It deters a family from keeping a business going for generations. Worse than that, it deters the very people that the other side was referring to that this allegedly hurts, the middle class. These are our small business people.

A report recently released by the Joint Economic Committee highlighted a number of disadvantages created by the death tax. First, it inhibits economic efficiency and it stifles innovation. One survey noted that two-thirds of the respondents stated that the death tax was the top reason why it was difficult for a small business to survive from one generation to the next.

One of the biggest complaints I hear from these people, family business owners, small farmers in my district, is the immediate cost of complying with that tax. The majority of the assets held by a family business are farm property or business equipment or the business's building. They are invested in the business. This isn't cash. So they do not have the liquid assets to pay this tax.

So what do they have to do? In order to find the capital to pay this death tax, we force these families to sell off a part of their business and to sell off parts of their family farm to pay the tax. How this helps them I am really baffled. I don't think it helps them. They tell me it doesn't help them, and they have asked us for relief. Today's bill puts us in the direction of further relief for these families, these family business people, these family farmers.

I suggest my colleagues look at the facts. Look at how people respond to death tax cuts, with more job growth, and support this bill.

Mr. RANGEL. Mr. Speaker, I would like to yield 2¼ minutes to a leader in the United States Congress and a member of the Ways and Means Committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding. Ladies and gentlemen, our government is in complete disarray. We have no policy in Iraq. We have seen the highest level of fiscal irresponsibility this government has ever propounded upon the American public. We have breathtaking record deficits in our budget. And our priorities, as articulated in this House, are upside down.

We have soldiers today who are dying. We have millions of Americans working to feed their family on a minimum wage of $5.15 an hour. We have gasoline prices that are double what they were when President Bush first assumed office. But what do we have from our friends on the Republican side to deal with all of this? A tax cut that will go to the wealthiest families in America.

I hope, ladies and gentlemen, that we will recognize that every time a Member who supports this tax cut for the wealthiest families in America comes up to talk, that we recognize that they are talking about helping 7,500 families, period. Of the millions of Americans and of those Americans who will die, this bill will help only around 7,500 of all of America's families. It is because it deals with only the very wealthiest.

So everything they say, put it in context. It will help 7,500 families. Or put another way: of a thousand people who will die in America, less than two will receive the hundreds of billions of dollars in tax cuts that will go to those who pay estate taxes; 7,500 families, less than two of every 1,000 Americans who will die.

What could we, instead of giving money to the very wealthy in America, do? Well, we could have fully funded the Medicare part D prescription drug benefit that Republicans have failed to fund. We could have sent 40 million American children to a year of Head Start. We could have provided full health insurance for 174 million children for one additional year. We could have hired 5 million additional public school teachers for one year. We could have given 4-year scholarships to 14 million students to public universities. We could have provided worldwide AIDS programs for 29 years. And we could have provided for every child in the world basic immunization for the next 96 years.

Our priorities are upside down.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to provide 3 minutes in support of H.R. 5638, the compromise that is endorsed by the National Association of Home Builders, the National Association of Realtors, the United States Chamber of Commerce, the majority whip of the House of Representatives, to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I am pleased to be able to be on the floor in support of this important piece of legislation. I am also grateful to the chairman not only for this piece of legislation but for the significant legislation he has brought to the floor year after year that really has resulted in an economy that is growing, an economy that creates opportunity, an economy with the lowest unemployment rate, an unemployment rate below the average of the 1970s, the 1980s, or the 1990s.

As I listen to this debate, what we are really talking about today is do we want to let this inheritance tax go back to the level that it was in 2001, where every family farm, every small business that had accumulated value and assets of $600,000 would see 65 percent of the excess of that go to the Federal Government.

Now, I will say first of all that I never thought a trip to the undertaker should also necessitate a trip to visit the IRS by somebody in your family. And while I would like to see the total elimination of the death tax, I think that the bill that the chairman has brought to the floor today solves the problem for millions of American families who have businesses and farms that are worth more than that old exemption; that this suddenly lets them put money that has been going into tax avoidance into continuing to grow their business, continuing to create jobs, continuing to create opportunity, and continuing to expand and build.

Many of the family farmers and small business folks that I work with have built their business with their mom and dad right there at their side. And, frankly, at the time mom and dad passes away, it is really hard for them to know in their mind who helped create the wealth of this business, who helped grow this farm that they grew up on and who didn't. But they have to suddenly decide, as Ms. HART pointed out, what do I sell, which piece of equipment do I sell, what part of the farm do I sell, do I have to sell the corner grocery store and service station just to pay the inheritance tax?

This creates an opportunity for families working together to continue to grow their businesses, to invest their money in the future of their businesses, in the jobs of the people that they will hire, in the communities that they are a part of, and to give a greater level of assurance that their children can continue to do the same kind of job, in the same kind of place, with the same kind of opportunity that they had.

There is nothing you have when you die that you haven't paid taxes on two and three and four times. This bill, for a significant number of Americans, says you don't have to pay taxes that last time after you die. It is the right step to take today. I am interested in taking more steps in the future to continue to work to eliminate this tax, but this is a critically important step

for us to take as we approach 2010 and to let money that has been going into tax avoidance go into growing this economy.

Mr. RANGEL. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from New York has 10¼ minutes, and the gentleman from California has 12½ minutes.

Mr. RANGEL. Mr. Speaker, I yield to the gentleman from Massachusetts, an outstanding hardworking member of the Ways and Means Committee, Mr. NEAL, 2 minutes.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Thank you, Mr. RANGEL, very much.

What the other side wants you to believe today is that this is tax relief for the average American. What the majority whip said a couple of moments ago was interesting. He said the economy is growing; we have to keep the economy growing. He cleverly neglected to mention the deficits are growing, the insurgency in Iraq and Afghanistan are growing. You need the money to pay for those things.

You know what this is? This isn't for hardworking families. This is the Paris Hilton Tax Relief Act. That is who we take care of with this. Not Conrad Hilton, Paris Hilton. She will be in great spirits this evening when she finds out that the Republican Party has come to her assistance once again.

$2 trillion worth of tax cuts already, $800 billion more worth of tax cuts today, and friends across America, how do you square that with two wars? Seven tax cuts and two wars with no exit strategy in front of us, and they continue to cut taxes.

And the majority whip said, oh, he was cutting taxes for average Americans. We don't have time in this institution to raise the minimum wage. We don't have time for the people that clean the hotel rooms, make the beds, and shovel the streets. We don't have time for them. But, my God, today we have time for Paris Hilton. We will take care of her very well with this piece of legislation. The troops in Iraq? We will cut veterans benefits when they come home.

Let us make all kinds of changes here. But, my goodness, true to form, they are rich and they are not going to take it any more.

This Congress has bent over backwards to take care of the wealthy in America and the strong. And who do we neglect? People that do the menial jobs across this country that we depend upon every single day. Is there no end to this embarrassment of what we do on behalf of the powerful and the wealthy in America?

That is how much of the American population is going to benefit from what they do. Less than 2 percent of the American people are about to benefit from what they are going to do today.

I cannot believe the choice that this Congress is making today.

During the last 10 days, committees within the House have turned back efforts to raise the minimum wage. We won't provide any help to people who earn $5.15 per hour, $10,700 a year. At that wage, people have to work an entire 8-hour day in order to pay for a single tank of gas.

And after rejecting any relief for working poor families, what is the next order of business for the Republican Congress? Elimination of the inheritance tax—a tax that affects only the wealthiest 7,000 families in the United States.

The proposal under consideration today would cost $762 billion over its first 10 years in effect, all to benefit the tiniest share of the wealthiest and most successful members of our society—people who want for nothing, and who have enjoyed the largest share of the rest of the tax cuts that we have passed since 2001.

In this year's budget, the United States Congress cut funding for veterans. We cut funding for programs that helped the elderly and small children. We cut funding for student loans.

We have taken the step—unprecedented in our Nation's history—of conducting two wars with six large tax cuts.

And even after all of that, here we are today, contemplating a tax cut worth hundreds of billions of dollars that will go to the likes of Paris Hilton.

Three estates in every 1,000 would benefit from this tax break. This is not widespread tax relief. This is not Main Street tax relief. This is Park Avenue tax relief that Main Street has to pay for.

This bill costs almost as much as estate tax repeal, and the benefits accrue to the people in our society who need tax relief the least. We have a record deficit, we have a skyrocketing national debt, and we have two wars to pay for. This isn't fuzzy math, this is fantasy math.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to a newer Member of the House of Representatives, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank my colleague from California, Chairman THOMAS, for yielding me this time.

Ladies and gentlemen, I, like the majority of this House, would support full repeal of the estate tax, but that, as Chairman THOMAS explained, has not passed the Senate. So this is a compromise proposal, but one which I fully support, and for three reasons I will give today: one is facts, second is economics, and the third is equity.

First of all, facts: people on the other side this afternoon have said that 7,500 people will benefit from this reduction in the death tax and that the tax they will not pay, I think it was $750 billion over 10 years. If you do the math on that, Mr. Speaker, you will find that that is $100 million per family.

Now, that is very odd, since families with as small as $1 million of a total taxable estate will be relieved from tax under this bill.

□ 1415

So facts are not what they say. The facts are hundreds of thousands, hundreds of thousands of families over the next 10 years will be relieved from paying tax on death under this compromise proposal.

Second, economics. We have seen that when we reduce the capital gains tax, the economy improved, and revenue to the government actually increased. The same thing will happen here. People are out there with lead trusts, with remainder trusts, with family limited partnerships and all kinds of things that do not generate benefit for this economy but are done simply so they can try to keep a house or a business or farm in their family, they won't have to do that. Mr. Speaker, 99.7 percent of the families in America will not have to do that under this proposal.

The third is equity. Right now under the death tax as it exists, some people can leave their house to their children; some people can't. Some people can leave their farm to their children; some others can't. Some people can leave their business to their children; and some other people can't.

Mr. Speaker, we should not have a tax policy that says to some people what you have worked for and earned in your life you may leave to your children, and other people can't do that. I urge an ''aye'' vote on the bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. For the wealthiest few, Republicans don't just aim to eliminate the misnamed ''death tax,'' they want the death of all taxes.

They have got some exit strategy, not for our troops sacrificing their all and facing death in Iraq, it is an exit strategy for billionaires from the tax burden that they should share to support our Nation.

For whom do they spell relief today?

Minimum wage? Won't raise it.

Gas prices? Won't cut them.

Drug prices? Won't lower them.

Veterans' health care? Can't cover them.

Student loans, Medicare, Medicaid? Cut, cut, cut.

This is truly a ''cut-and-run'' Congress: cutting relief for most Americans while running up a huge deficit to finance more billionaire tax breaks.

Will you benefit from these new tax breaks today? Take this quiz:

Do you play Yahtzee or maintain a fleet of yachts?

Do you wear a hard hat or a silk top hat?

Do you drive a pick-up or own a gallery of Picassos?

Do you pump gas by the gallon or sell it by the barrel?

Only if the answer is the latter for all of these questions are you likely to be among the handful of Americans who benefits from not having to pay a tax that Teddy Roosevelt, back when there were a few Teddy Roosevelt Republicans, called a key to not having us copy the landed aristocracy of the European continent.

This bill today goes beyond fiscal irresponsibility, it is true fiscal insanity, piling burden upon burden on our children and grandchildren.

Mr. THOMAS is correct that it is a ''compromise,'' but only in the sense that it compromises our families and our Nation's future and strength.

Mr. THOMAS. Mr. Speaker, it is with great pleasure that I yield 2 minutes to a colleague, someone who understands the reason we are here today, a cosponsor of H.R. 5638, the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I thank the chairman for yielding me this time. I do rise in support of the Permanent Estate Tax Relief Act of 2006.

I want to make a statement on behalf of the farm families of this country. When I came to Congress in the early 1990s, my farm families told me stories over and over again of their problems encouraging the next generation to farm the land that they farm. This is not a rich person's estate tax bill. This is a reasonable compromise.

A lot of us on this side of the aisle have worked long and hard in a bipartisan effort to make sure we had an opportunity to bring that voice of those farmers, to bring the voice of small businesses in this country into alignment with the Federal Government so we could pass for them estate tax reform, estate tax relief that will give them some permanency.

We made a step toward that, but that step has a huge gap in it. It is not permanent. So we have done something of a helping hand, but we have also made this a lawyer's mecca here. Estate tax planning is something they cannot do because they don't have the ability to know exactly what is going to happen.

Is everything in this bill that I want in this bill? No. And there are a lot of Members who didn't get everything in this bill that they want, but this is a reasonable compromise.

I have cochaired a coalition of folks who want to eliminate the death tax, but I am here to say this is a reasonable alternative, and Members should support it.

Mr. RANGEL. Mr. Speaker, I would like to yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), a Member who really understands this problem.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

To start out, let's have a little truth in labeling. The chairman of the Ways and Means Committee calls it a compromise bill. Compromise involves some give and take. This is a bill that he created, no consultation, no discussion with the Senate, no discussion with the Ways and Means Committee, no discussion with anybody. That is not negotiation, that is not a compromise.

A compromise involves meeting people halfway. If you look at the revenue lost here, fully considering the lost revenue between 2010 and 2020, it is virtual repeal. We have been able to calculate it is roughly 80 percent of the cost of full repeal. Again, no compromise.

Let's put this in the context of the fiscal situation facing this country, because this House majority has voted to raise the debt limit of this country, voted to raise it in March, and because the deficits were so horrendous, they had to vote to raise it again in May. It now exceeds $9 trillion.

With the revenue, the $800 billion revenue lost in the next decade, it will all have to be borrowed. Who are we borrowing from to help under their bill? The shocking fact is 43 percent of those who we are borrowing from to help are estates over $25 million, the richest few in this country.

There is another way. We can take the 2009 of $7 million for joint estates. This is the compromise Democrats would be willing to go for. It takes care of 99.7 percent of the estates in this country. We will go one further. We will dedicate the estate tax revenue over that to the Social Security Trust Fund. Social Security actuaries tell us such a step would add 5 years to the life of the Social Security program.

So you have a very stark choice here, the majority bill which is going to hurt Social Security, or our bill which would add 5 years.

Mr. THOMAS. Mr. Speaker, it is a real pleasure to yield 4 minutes to a member of the Ways and Means Committee who has been a stalwart on this issue, who has been in the forefront and is one of those who not only knows this issue from an intellectual point of view, but who has lived it with his family, the gentleman from Missouri (Mr. HULSHOF).

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

Mr. HULSHOF. Mr. Speaker, one of the interesting things about sitting through the debate and hearing all of the various points and wanting desperately to respond to each and every one of them, and not having the time to, I would say to my colleague from the Ways and Means Committee from the State of Washington who mentioned that he had taken a phone call from Mr. Gates, I wish the same gentleman would actually take a phone call from the owner of the major metropolitan newspaper from Seattle, Washington, who actually supports permanent repeal of the death tax.

Having said that, I listened to my friend from North Dakota who just spoke. I am mindful that I stood in this same spot on April 13, 2005, on rollcall vote 102 when we, Mr. CRAMER and I as lead or chief sponsors of H.R. 8, which was permanent repeal. We had the rollcall vote, and we had an extraordinary bipartisan vote: 272 Members of this body said once and for all it is time to kill the death tax.

There were 42, dare I say courageous, Democrats who voted for complete repeal. I hope my words get to those 42, and I urge that same steadfastness on this compromise. It is my understanding there has been some intense political pressure put on my colleagues across the aisle from their leadership, and I certainly hope they would look at this compromise.

I would say to my friend from North Dakota, this is a compromise. As we debated this bill back in April 2005, he pointed out that H.R. 8, the complete repeal, did not include a step up in basis. This bill does, a complete step up in basis upon death.

The gentleman from North Dakota, when we debated this a year and a half ago, talked about there was no indexing. We fixed that in this bill. There is indexing so that the passage of time and the acceleration or accumulation of assets as they appreciate in value will not suddenly look squarely down the barrel of the death tax bill. And so indexing is part of this.

We heard from the philanthropic community as far as opposition to complete repeal of the death tax because there was a concern about charities and foundations not being fully funded. So this compromise accomplishes their goal to make sure that the philanthropic in this country can continue to provide for those churches, charities and synagogues.

And yet from the other side of the aisle, I think some folks just dusted off the talking points from a year and a half ago, because this is not the bill we debated then.

And my good friend from Georgia, and we are working together on a civil rights bill, to hear the word ''greed,'' or to hear from my friend from California say that only 7,500 families will pay the tax, what about the tens of thousands of American taxpayers, family-owned businesses, that had the same experience that I had of sitting across the mahogany table from their longtime family accountant when my mother passed in 2004?

This 514-acre farm that she and my father had built, that my father had worked for nearly five decades, and I am sitting across the table from this family accountant, and he has an old adding machine with the tape on it, and he is punching in values for each of these assets. The acreage per value, the three tractors, the very used combined, the home that I grew up in, the modest life insurance policy, and suddenly as a Member on the Ways and Means Committee, I break out in a cold sweat because I know when he hits the total button, it is either going to be above an arbitrary line that Congress has set or below it. I know that if it is above that line, that I am probably going to have to sell off some of this family business, this farm I grew up on, just to pay the government.

What is ironic is if my mother had passed away 4 months earlier, I would have had to have sold a significant part of that farm just to pay the tax.

This is a very usable compromise, and I would say the fact we are here, of course, is that there is a determined

minority in the other body that has used the Senate's rules and procedures to deny that complete repeal that we have been working for. This is a compromise that deserves bipartisan support. I urge its passage.

Mr. RANGEL. What is the time? I think I would want the majority to catch up in terms of the time gap.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman from New York (Mr. RANGEL) has 4¼ minutes. The gentleman from California (Mr. THOMAS) has 4½ minutes.

Mr. RANGEL. Mr. Speaker, I would like to yield for 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a distinguished member of the Ways and Means Committee.

□ 1430

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the ranking member, Mr. RANGEL, for yielding me this time. And I want to compliment my colleague, KENNY HULSHOF, for those impassioned words about his family farms. But the good lawyer that I know KENNY HULSHOF is, I know he has come up with some resolve for his family in addressing some of the estate tax issues, short of changing the estate tax, be it who holds the farm, how long they hold it, et cetera et cetera.

But I rise this afternoon in opposition to this legislation. As we have all said earlier, those on this side of the aisle, this is no compromise. It will cost us so much money that many of us can't even count it. And most of the people who benefit from this estate tax have so much money, they far exceed the general everyday person who works hard making $5.25 an hour and can't even think about an estate because, by the time they pay their light bill and their water bill and buy their kids some clothes, pay the gas bill, the estate that they always hoped for could never come into play.

Now, you are going to say, STEPHANIE, why are you comparing working making $5.25 hour to an estate over $5 or $100 million? I am doing it because most of the people in America are making $5.25 an hour at that other level.

We only have a certain amount of money that we operate in the United States of America, and I say it is time for the people at the lower end of the spectrum to have a benefit from the taxing policy of this Nation. I say it is time for the people at the lower end of the spectrum to know that the kids, and the bulk of their kids go to fight in Iraq, have enough armor, et cetera, to be covered; that those families know that their children have the ability to go to college. It is connected because it comes out of the same pot.

I, therefore, invite you, encourage you to vote against H.R. 5638.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. CHOCOLA), a member of the Ways and Means Committee.

Mr. CHOCOLA. Mr. Speaker, I thank the chairman for his hard work on this.

Mr. Speaker, I just rise today to ask the question, Whose money is it anyway?

I think it is important to recognize that the Federal Government has no assets that didn't derive from the hard work of the American taxpayer. And that is what we are talking about today.

And it is not just the families that pay the tax that are impacted on this. I have worked in several family businesses, and every business that I have worked with is a family. Everyone that works there is a family. And when you put a business at risk by requiring it to be sold simply to pay taxes, you put every job in that company at risk. If you have 25, if you have 50 employees, you are putting every single one of those jobs at risk by selling the company to someone you don't know. They may live somewhere else and they may move the business or reduce it or do whatever when you lose control. If you really care about working families, you would not ever allow a business to be sold simply to pay the taxes.

And like many of my colleagues, I support full and permanent repeal. This is a step in the right direction. I urge my colleagues to support it.

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

Mr. THOMAS. Mr. Speaker, I believe I will be the last speaker.

Mr. RANGEL. Mr. Speaker, I yield myself 1 minute. There seems to be some confusion as to who the beneficiary is of this special legislation. I suggest to you that if you belong to the one-third of 1 percent of not working families, but families who have inherited an estate that is valued over $3.5 million, or $7 million if you are a couple, that in 2009 you will be the beneficiary.

If there is some confusion about the hundreds of millions of people who work every day, and those six million of them that are at minimum wage, then I suggest to you that you will get nothing from this. But if you are in doubt as to whether one side is just making it up as they go along, and the other side has any question about it, I suggest that you go to the Internet, www.house.gov.jct. That is the Joint Committee on Taxation, and you will be able to decide whether you hit the lottery. If your name is not there with the 7,500 families, then you are a loser in this enormously expensive legislation.

Mr. Speaker, I yield the remainder of my time to the outstanding leader of the Democratic Party and, indeed, our country, the Honorable NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York for yielding. I congratulate him on his, as always, excellent leadership on behalf of the middle-class working families in America. I salute him for his excellent presentation today.

Mr. Speaker, today the House is considering the ultimate values debate. The question before us today is, Do we want to cut taxes for the ultra-superrich, or, instead, do we first want to give hardworking Americans a raise?

Do we want to live in an aristocracy, or do we want to live in a democracy?

Do we want to perpetuate wealth or reward work?

The estate tax is central to our democracy. It is rooted in our commitment to create a strong and vibrant middle class and to give every American the opportunity to achieve the American Dream.

After the Gilded Age, in which the elites of the time held power and wealth that far, far, far outstripped what the average American had, America decided to go in a new direction.

One of America's great Republican Presidents, Theodore Roosevelt, made the argument for an estate tax, saying that the ''really big fortune, the swollen fortune, by the mere fact of its size, acquires qualities which differentiate it in its kind, as well as its degree from what is possessed by men of relatively small means.'' Therefore, President Theodore Roosevelt said, ''I believe in a graduated tax on big fortunes properly safeguarded against evasion.''

Democrats believe that we must create wealth. We recognize that, that we must reward entrepreneurship and risk, and we must encourage hard work. That is why Democrats supported a targeted estate tax relief for small businesses and farmers and families that would ensure 99.7 percent of all Americans don't pay any estate tax. This is in the spirit of Theodore Roosevelt, targeting the vast fortunes that differ not only in the quantity of wealth, but in the kind.

I salute Congressman EARL POMEROY for his leadership in giving Congress an alternative that is morally and fiscally responsible. Unfortunately, once again, the Republican leadership, just as they have blocked a vote on the minimum wage, are blocking Mr. POMEROY's option to bring his proposal to the floor, which is responsible, which is paid for, and which is fair to all Americans.

Under Mr. POMEROY's proposal, only the top .3 percent, that means 99.7 percent of Americans, most people in America, would not pay any estate tax. But it would leave that .3 percent, the very, very, superwealthy, to pay their fair share. There are very few people involved, but a great deal of money. We will have a chance to vote on it in the motion to recommit. Unfortunately, we will not have the time to debate it as an alternative.

We have these questions that have come before us when we are talking about this. We are talking about giving $800 billion to a few families in America. Democrats stand for fiscal responsibility, pay-as-you-go budgets, and no new deficit spending.

Republicans, instead, have put forth the bill that will cost the American people, again, almost $800 billion; $800 billion that we don't have, that we are going to have to borrow.

Our national debt is becoming a national security issue. Countries that now own our debt, it is over $1 trillion already, and this doesn't include this $800 billion, those countries that now own our debt will not only be making our toys, our clothes and our computers, they will be soon making our foreign policy. They have too much leverage over us.

With this bill today, the Republicans are giving tax cuts to the wealthy and asking the middle class to pay for it by writing checks to China and Japan for the interest payments on the debt and, ultimately, the payment on principal. It is ridiculous. It is ridiculous.

Let me get this straight. We are at war in Iraq. Many of the same people who wanted to support the stay-the-course that the President is on in Iraq, which has around a $400 billion price tag on it, that is off budget. They don't want to pay for that. And that is a huge figure. And now the Republicans are saying, not only that, not only are we not paying for the war, it is off budget. We will just heap that debt on to future generations. They are saying, we are going to give twice as much as that to a few families in America. It is so unfair, this same week that we are taking this up.

As I said earlier, this is the ultimate values debate. How can a person of conscience say to the Congress, we do not support an increase in the minimum wage. Instead we are going to give $800 billion to the wealthiest people in America.

The minimum wage is $5.15 an hour. It hasn't been raised in 9 years. This is a shame. It is a disgrace. It is unfair.

And what does the leader on the Republican side say about the minimum wage? Mr. BOEHNER says, I have been in this business for 25 years and I have never voted for an increase in the minimum wage. I am opposed to it, and I think the vast majority of the Republican conference is opposed to it.

So thank you, Mr. BOEHNER, for making a differentiation for us. You are for $800 billion for the wealthiest families in America, and not an increase of over $5.15 an hour for America's working families. So instead of giving 7 million Americans a raise by increasing the minimum wage, again, the Republicans are proposing $800 billion, that is nearly $1 trillion, as a gift to the wealthy. This is Robin Hood in reverse. We are stealing from the middle class to give to the wealthy.

Pope Benedict just recently put out his new encyclical, ''God is Love.'' And in his encyclical, he quoted Saint Augustine when he wrote, this is in the Pope's encyclical. You can find it there. He talked about the role that politicians have and that a government should be just, and we should be promoting justice. And he goes on, Pope Benedict does, to quote Saint Augustine. He says: ''A state that is not governed according to justice would be just a bunch of thieves.'' This is the Pope saying this in an encyclical, quoting a saint. ''A state which is not governed according to justice would be just a bunch of thieves.''

I ask this Congress, is it justice to steal from the middle class to give tax cuts to the ultra-superrich?

It is not just. And it is an injustice we cannot afford. Americans can no longer afford President Bush and the Republicans. It is time for a new direction. We can begin by rejecting this estate tax giveaway to the wealthy and insist on a vote to increase the minimum wage. That would be a real values judgment.

Mr. THOMAS. Mr. Speaker, I rise in support of democracy and in opposition to aristocracy, and simply and humbly request I have the same clock that was just used.

How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California is recognized for his remaining time, which is 3½ minutes.

Mr. THOMAS. Mr. Speaker, I also want to be on record as being opposed to a theocracy. And I will tell you that today, shortly, democracy will be demonstrated when the House of Representatives determines whether or not it sends this compromise measure over to the Senate with a majority vote.

I know it is a mystery to some people. And I found it most revealing in a poll when Americans were being polled as to whether or not you supported either repeal or making smaller the estate or death tax.

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One gentleman responded to the poll that he was in favor of repeal, and if he couldn't get repeal, he wanted it smaller. And given the location in which the question was asked, in the home which the gentleman lived, the questioner said, ''But you aren't currently in a position to benefit from the estate tax, whether it's repealed or not.''

And he said very simply, ''But I want to have the opportunity to be able to.''

That is really the American dream. It really is what democracy is all about. It really is keeping more of your hard-earned efforts at the end of your life, or, if this bill becomes law, the amount that is legally appropriate, $5 million per individual, to be given while you are alive or after you pass or partially when you are alive or partially when you have passed. As one of my colleagues said, after all, it is your money.

The estate tax does deal with progrowth or antigrowth because it is simply a tax on capital and savings. The lower the tax on capital and savings, the greater the opportunity for growth.

We have heard the argument that this really is not a compromise. I believe it is a compromise. I said why. But I think the real test as to whether something is or is not a compromise is what I like to call the Goldilocks test. The Wall Street Journal thinks this is too cold. An individual representing the richest people in America, Dick Patten of the American Family Business Institute, says, ''We flatly oppose the Thomas plan. It just isn't good enough.'' The gentleman from North Dakota says, This is virtually repeal. It is just way too hot.

Well, for some it is too hot; for some it is too cold. It sounds to me like that we have got a compromise that has a chance to pass the United States Senate. We know it will pass the House of Representatives.

Mr. Majority Leader, you asked for a bill that should become law. Mr. Majority Leader, the House is sending you the bill you asked for.

I urge support of H.R. 5638. I urge the Senate to take up the compromise as soon as possible. And when that bill is sent to the President, the American people, those who work hard and expect to retain or pass on at the end of their lives a portion of their earnings during that life, will have achieved a significant victory, not in a theocracy, not in an aristocracy, but in a democracy.

Mr. DICKS. Mr. Speaker, the Chairman of the Ways and Means Committee has made a diligent and sincere effort to seek a compromise position on the estate tax issue, and he should be commended here in the House today. Many of the Members of the House have conceded that the threshold at which estates are subject to the tax is not realistic in today's economy, considering the assets many small businesses routinely accrue in this country. While I believe the full repeal of the tax is unjustifiable, because it would mean such a huge loss of revenue to benefit primarily the wealthiest portion of our population, I believe there is interest in making some adjustment, if the cost in terms of lost revenues is reasonable. So I applaud the effort that was made to seek this compromise, however I rise today Mr. Speaker to oppose the unfortunate result, H.R. 5638, because I believe it doesn't meet the test of being reasonable.

At a time when the annual budget deficit is now approaching $400 billion and when there are so many urgent issues in our society that we simply cannot afford to address, I believe the compromise that has been reached raises that threshold far higher than it should be and thus it relinquishes far too much revenue in order to assist a very high-income sector of our population. When fully implemented, and assuming that the current capital gains tax rates are extended permanently, this bill will reduce revenues by an average of $82 billion a year for the first ten years that it is fully implemented. To provide my colleagues with a frame of reference, $82 billion is well more than twice as much as we appropriated earlier this month for the entire Department of Homeland Security. It is nearly four times as much as the appropriation we will consider for the entire Department of Justice for the upcoming fiscal year.

In addition, Mr. Speaker, the nation is now engaged in wars in Iraq and Afghanistan—for which too few Americans are being asked to sacrifice—and we face a compelling need for substantial federal investments that are required to secure our homeland from the threats of terrorist attacks. It seems to me, Mr. Speaker, that it is neither prudent nor fiscally

responsible to be adding such a large annual increase—another $82 billion—to the national debt at this time. We are cutting back on programs that benefit seniors, poor and middle-class Americans, and we are reducing our investment in education, health care, infrastructure and the environment. At this time, Mr. Speaker, I cannot in good conscience support a bill that, by its very nature, provides such a large share of its tax benefits to the least-needy people here in the United States.

I regret that we could not reach a compromise position that was more fiscally responsible, because the Chairman did accede to our request to accelerate the passage of another important piece of legislation, H.R. 3883, by adding it to the compromise package. I appreciate the Chairman's personal interest in the passage of the Timber Tax bill, which I have cosponsored, in order to restore fairness to the tax code and allow regular corporations in the timber industry to compete on a level playing field with other ''pass-through'' entities that currently receive better tax treatment. Again, it is with great regret that I urge the House to defeat the entire estate tax bill, because I believe the Timber Tax language represents a modest and deserving provision that should be passed no matter what becomes of this legislation. We can defeat H.R. 5638 today and return to the attempt at reaching a reasonable, prudent and fiscally-responsible compromise that addresses the legitimate needs of small business owners and that includes that Timber Tax provision. I urge a ''no'' vote on H.R. 5638.

Mr. SMITH of Washington. Mr. Speaker, today the House is taking up an important piece of tax legislation, the Timber Tax Act of 2005. Unfortunately it is attached to a fiscally irresponsible tax cut that I cannot support. However, I do support the Timber Tax Act and hope that the House will bring this legislation to the floor for a separate vote.

In today's economy, the forest products industry is very important to Washington State with 8.5 million acres of privately owned forestland. There are more than two million people in the U.S. who make their living working for the forest products industry and more than 45,000 in Washington alone. This industry is the state's second largest manufacturing sector.

Timber is a unique and risky investment compared to other long term investments. It can take between 20 to 70 years to grow timber that is ready for harvest, which means significant upfront investments in forestry are also subject to risks of nature, clearly demonstrated by last year's hurricanes and wildfires. If passed, the Timber Tax Act would encourage reinvestment in forestland, which supports an industry that provides important jobs to many Washington State residents.

Mr. LARSON of Connecticut. Mr. Speaker, I am disappointed in the Republican leadership and their priorities in this House. Instead of moving forward with the minimum wage increase that was approved last week in the House Appropriations Committee, the Republican Majority places yet another irresponsible estate tax cut bill on the floor.

Let me make my position clear, I support tax relief to help small businesses and family farms. I have voted 5 times in the past six years for balanced reforms to the estate tax that would have virtually exempted all estates. However, again and again the Republican Majority has pushed legislation through this House that helps only the few and costs much more than we can afford. The underlying bill, H.R. 5638, would give tax relief to estates worth more than $3.5 million, which will cost the American people $762 billion over 10 years. Only half of the 1% of Americans affected by the current estate tax would benefit from this bill.

In comparison, the minimum wage increase opposed by the Republican Majority would help 7.5 million American workers earning between $5.15 and $8 an hour. Since Congress has not raised the minimum wage since 1997, its buying power is at its lowest level in 50 years. An increase from $5.15 to $7.25 over two years would help the workers most in-need in this country.

Every day the American people are growing tired of the misguided priorities of this Republican Majority and Administration. In a time when the Nation is facing record deficits, a national debt of $8.4 trillion, a gallon of gas is $2.87 and a gallon of milk is $3.23, the American people are looking for leadership in Congress. We need a new direction on economic policy in this country and not more of the same tired Republican proposals that explode the federal debt.

This Congress should help more Americans help themselves. Unfortunately, this Republican Majority has different priorities. Since the Republican Majority blocked the balanced Democratic substitute that would exempt 99.7% of estates from estate tax liability, I urge my colleagues to do better for the American people and oppose the underlying bill.

Mr. UDALL of Colorado. Mr. Speaker, I am disappointed with this bill and regret that I cannot support it.

I do not support repeal of the estate tax, but I have long supported reforming it.

So, I took hope when I heard that the Republican leadership had decided to abandon its misguided drive for its permanent repeal and to focus instead on its revision.

I hoped that at last we would have a chance to vote on a measure that would strike the right balance, protecting family-owned ranches, farms, and other small businesses while recognizing the need for fiscal responsibility in a time of war. But when I reviewed the details of the bill now before us—even to the limited extent that was possible—I realized that once again I had hoped in vain.

The bill would exempt the first $10 million of an estate for a couple ($5 million for an individual) and would link the estate tax rate to the capital gains rate, which is currently 15 percent, but which is slated to return to 20 percent after 2010. Under the bill, the value of an estate under $25 million would be taxed at the capital gains rate, and the portion above $25 million would be taxed at two times the capital gains rate.

While this is different in some ways from previous versions, it does not represent a true compromise. The Joint Committee on Taxation estimates the bill would reduce revenues by $280 billion between 2007 and 2016, with a reduction of $61 billion, or 75 percent as much as full repeal, in 2016. In other words, the revenue reduction from this bill would be greater—65 percent greater—than simply making the 2009 rates permanent.

And to make matters worse, the bill includes some unrelated provisions that are even less fiscally responsible, most notably a special capital gains tax break for timber companies that well could result in profitable companies paying no tax at all.

Under current law, if a tree-owning company cuts and sells some of its trees, the income is taxable as regular corporate income. But this bill would allow those companies to exclude 60 percent of that income from tax.

The result would be to restore a loophole that was closed when President Reagan signed the landmark tax reform act of 1986. Before that, the largest paper and wood products corporations benefited from favorable treatment to a remarkable extent.

For example, one of those companies told its shareholders that for the period of 1981 to 1983 it made $641 million in U.S. profits—but it not only paid no taxes but in fact had so many excess tax breaks it actually received $139 billion in tax rebates. Another company reported $167 million in pretax profits, yet instead of paying part of that in federal income tax, it got $8 million in tax rebates. And another reported $400 million in pretax profits, but instead of paying taxes, got $99 million in tax rebates.

In 1986, recognizing the unfairness of this kind of legal tax avoidance, Congress closed the loophole. But this bill would undo that reform, bringing back an exclusion for timber income that strongly resembles the pre-1986 tax break.

The bill says this change would be temporary, sun setting at the end of 2008, and the Joint Committee on Taxation estimates that during that two-plus year period it would reduce revenues by $940 million. But if this tax break is extended—and we can be sure its beneficiaries will lobby for its extension beyond 2008—the long-term cost to the Treasury will certainly be more.

I oppose these provisions, which I think should not be part of this or any other legislation.

My opposition to this bill does not mean I am opposed to reducing estate taxes.

I supported an alternative that would have raised the amount of an estate excluded from taxes to $6 million per couple and increased this to $7 million by 2009. This not only would have provided relief for small businesses and family farmers, but it would have done so in a much more fiscally responsible way, because it would have reduced revenues by much less than this bill. It also would have simplified estate-tax planning for married couples, who could carry over any unused exemption to the surviving spouse and so assured that the full $7 million would be available.

Furthermore, that alternative would have transferred the revenue from the estate tax to strengthen the Social Security trust fund, a change that, according to the Social Security Actuary, would solve one quarter of the trust fund's shortfall. But, unfortunately, the Republican leadership actively worked against that alternative and so my hopes for that true, reasonable compromise were thwarted.

As a result, I have no responsible choice but to oppose this bill and to hope that as the legislative process continues it will be sufficiently revised that I can support it.

Time will tell whether that hope, too, will be in vain.

Mr. CANTOR. Mr. Speaker, today we are considering a bill that would move us a step closer to full repeal of the death tax, a goal which I fully support.

The death tax is one of the most egregious taxes in our system today and should be fully repealed. This tax is a punishment for people who have worked hard all their lives, who have built successful small businesses and who have succeeded in living the American dream.

It does not stand to reason that the United States, the most successful economy in the world, should punish its citizens with such a regressive tax. The United States has the second highest estate tax in the world at 46 percent, second only to Japan at 70 percent.

This tax penalizes farmers, ranchers and small business owners. These are people who work hard day in and day out to keep their businesses running and meet payroll deadlines. These are the businesses that produce jobs and provide healthcare for many Americans. When we cripple small businesses with inheritance taxes that force them to close, we not only punish the owner for being successful, we punish their employees as well.

Some of my colleagues on the other side of aisle don't want to pass this tax relief on to the American people. They would rather fund their special interest give aways than let Americans keep their own money. This is not the Government's money. Washington has already taxed these earnings once, twice even three times. Do we really need to go back for more when you die? Isn't death punishment enough?

Mr. Speaker, this tax is shameful, it is greedy and it is offensive and I support the efforts we are making here today to move towards a full repeal of the death tax.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to oppose the Permanent Estate Tax Relief Act of 2006.

This legislation will exempt estates up to $5 million for an individual and $10 million for a couple; will tax the next $20 million in assets at 15 percent and assets above $25 million at 30 percent. According to the Joint Tax Committee, this measure will cost $279.9 billion in lost revenue between now and 2016, and at least $61 billion per year every year after.

This is unacceptable and is fiscally unsound. Not only will this add to the enormous budget deficits we are now facing, but it will also contribute to the increasing concentration of the Nation's wealth among a very small number of Americans.

Thirty years ago the richest one percent of our population owned less than a fifth of our wealth. According to a report by the Federal Reserve Board, that one percent now owns over a third of the Nation's wealth. Workers today are twenty four percent more productive than they were five years ago, but the median earnings of those workers have not risen in line with this, a distinct change from historical patterns. The average CEO pay is now 400 times that of a typical worker. Forty years ago it was 60 times that of an average worker. We are creating a new upper class, one that our country has not seen since the rise of the robber barons, and this legislation ensures that this gap will grow ever wider.

Right now, a couple can pass on four million dollars to their children tax free. The New York Times attempted to find a farmer who had been affected by the estate tax. It was unable to do so, even with the assistance of the American Farm Bureau.

I agree that we need to ensure that small businesses and family farms are able to be passed on to succeeding generations. This is why during debate on a permanent repeal of the estate tax I was supportive of keeping it at its 2009 level. Doing so would ensure that 997 out of every 1000 people can pass their assets on to their children and pay no estate tax. According to the Urban Institute-Brookings Tax Policy Center, if this level was in place in 2011, only fifty farms and small businesses would owe any estate tax.

This legislation will not help the vast majority of our constituents. Instead it will help a small group of people maintain their enormous wealth and, in return, it will increase our country's deficit. As Members of Congress, part of our job is to ensure that the Nation's economy is strong for every person in the next generation. We don't do that when we give ourselves hundreds of billions of tax cuts and leave it to our children to find the tax money to pay for them.

Mr. SHUSTER. Mr. Speaker, in a letter to a friend, Benjamin Franklin wrote that ''In this world, nothing is certain but death and taxes.'' The two will soon go hand in hand unless Congress acts to fully and permanently repeal the Death Tax. After a lifetime of paying taxes the Death Tax unfairly imposes a double tax on small, family-owned businesses and farms. Our family farmers appear rich on paper, but in reality are two poor growing seasons from bankruptcy. The Death Tax does not discriminate—it just forces the family to sell off the land to another larger farm in order to pay the tax. If Congress truly cares about the family farmer the best thing that can be done is to kill the Death Tax.

Mr. Speaker, most small business owners have the entire value of their business in their estate. With the Death Tax, the government immediately ''inherits'' a 37 to 55 percent piece of the estate, a blow that many family businesses and farms cannot survive. Taxing small business owner's hard work in death punishes their families and threatens family businesses across the country. The mere threat of the tax forces business owners to spend thousands of dollars on accountants, lawyers, and financial planners so that they can attempt to ensure the survival of their business after their death.

Mr. Speaker, I grew up on a family farm, and owned and operated a small business before serving in this House. The Death Tax is real and has tangible effects on real people. The Death Tax penalizes hard-working family farmers and business owners hoping to pass on their land or shop—their legacy—onto their children. The Death Tax is an insult to all those who spend a lifetime of hard work to ensure that their children can continue the family business.

Mr. CONYERS. Mr. Speaker, the House of Representatives is known as the ''People's House.'' Instead of taking up legislation that will improve the lives of a wide range of people, we are debating a tax break that will benefit a measly 7,500 Americans, or in other words, only the super-rich.

This bill would increase the estate tax exemption to $5 million for an individual and $10 million for a couple. What is the cost of such a policy change? $823 billion over 9 years. It is shocking that the Congress refuses to give poor working Americans a 70 cent increase in the minimum wage, but have no hesitation in rewarding the very wealthy a $823 billion windfall.

Today, I received a letter from the UAW, who plainly argues that if we pass this legislation, it will exacerbate our enormous federal deficits and place additional burdens on future generations. With a federal debt of over $8 trillion, a tax break for the wealthy is no way to bring our budget back into balance or to reduce the enormous deficit this Administration has presided over.

I also received a letter from the National Education Association that persuasively argues how this legislation would seriously jeopardize the ability to invest in our children and public education in the future. By draining federal coffers of much-needed revenue, we will be forced to cut much more than education. Funding for health care, veterans benefits, environmental protections, affordable housing, student loans, and homeland security are all at risk if we pass this irresponsible legislation.

With so many important issues facing our country—41.2 million Americans without health insurance, no minimum wage increases since 1997, and billions of dollars squandered in Iraq, it is a shame that the People's House has been hijacked by the narrow interests of the super-rich. Today's vote is another in a long list of votes to benefit the special interests of a few. The time is long overdue for the Congress to deal with the myriad of critical issues facing Americans today.

Mr. ENGEL. Mr. Speaker, as Ronald Reagan used to say—there you go again!

Our Republican friends are again taking care of the wealthy and ignoring the needs of the middle class. If they cared about middle class Americans, their priority would be to permanently fix the AMT that affects millions of Americans, not the estate tax that affects 1 percent of rich families. The Republicans in Congress are making sure the rich get richer instead of lifting all Americans up economically.

The Republicans would like us to believe that they are fiscal conservatives, but they are borrowing and spending like drunken sailors, abandoning all fiscal discipline.

As a result, we are leaving our children and grandchildren with mountains of debt for years to come. Of the millions of American families, this bill will allow 830 super rich families get a $16 million tax break—what a disgrace!

History will not refer to us as the baby boomer generation but as the credit card generation, and we can trace it all back to the Republican mantra of cut taxes, borrow and spend!

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in opposition to this legislation, which has been billed as a compromise proposal to legislation this chamber has passed to permanently repeal the estate tax. Instead of offering true compromise, this legislation simply muddies the water and would deal a devastating blow to our national debt.

Make no mistake about it, I do not want to see the children of family farmers or small business owners have to pay dearly for the success of their hard-working parents. Democrats and Republicans alike want American families to be able to preserve their legacies and pass down their farms and small businesses to their heirs. A true compromise would balance the goal of protecting these estates and keeping our country's fiscal house in order. This bill is no such compromise.

This bill would exempt the first $10 million of a couple's estate from the estate tax—an increase from the current $4 million exemption. For estates valued below $25 million, the bill

would impose the capital gains rate—currently 15 percent—and would tax values above $25 million at double the capital gains rate.

Americans should not be fooled by the complexity of this tax structure, because the result is still the same. This bill is a benefit to the wealthiest Americans and will give estates valued at more than $20 million a $5.6 million tax cut, on average. Unfortunately, tax cuts are not free. And this legislation would have all American taxpayers pay the $762 billion ten-year pricetag that will result from lost revenue and interest on our national debt.

Estate tax reform is not a new issue for Congress. For years now, I've supported a sensible compromise that would protect families who have put their blood, sweat and tears into their businesses. Specifically, this proposal would exempt the first $7 million of a couple's estate—an exemption level that would shield 99.7 percent of all Americans from the estate tax.

Faced with a federal budget swimming in a sea of red ink, we should be making the fiscal compromises necessary to shore up Medicare and Social Security and ensure the continued solvency of federal programs that the most vulnerable Americans depend on for their own shot at the American Dream. Americans shouldn't fall for our majority's latest attempt to give millions to the Americans least in need, while leaving those most in need high and dry.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the bill, H.R. 5638, the "Permanent Estate Tax Relief Act of 2006."

Mr. Speaker, I have voted for estate tax relief before but I oppose this bill because it is irresponsible to cut taxes for the wealthy when the Nation is at war and the national debt is over $8 trillion dollars.

The Joint Committee on Taxation estimates that THOMAS's estate tax proposal will cost the Federal Government $602 billion, plus an extra $160 billion when interest is accounted for. Only 0.5 percent of the richest families in America currently pay estate taxes. Moreover, under current law in 2009, only 3 out of every 1,000 estates will pay a penny in estate taxes—all couples with estates up to $7 million—99.7 percent—will pass on their entire estates tax-free. Any compromise proposal which deviates from 2009 current law—such as THOMAS' bill and KYL's older proposal—is therefore crafted entirely to benefit this tiny sliver of the richest estates.

American voters stand strongly against drastic estate tax legislation. According to recent polling data, nearly 60 percent of voters hold the initial, unaided view that estate tax should be left as is or reformed, and only 23 percent support repeal. When asked about the estate tax in the context of other budget priorities, voters rank repealing the estate tax as the last priority, and 55 percent of voters oppose repeal.

This so-called compromise, nearly as regressive and costly as a full repeal, is no compromise at all. Passing even this compromise legislation would constitute one of the most regressive tax cuts in the history of the United States. Middle- and lower-class Americans will be forced to shoulder the burden of radically decreasing the estate tax—both monetarily and through decreased public programs. In order to cover the monetary gap, the government will plunge further into debt, which will limit its ability to address the Social Security solvency gap and reduce the money available for public programs. It will also have to tap other tax sources, like payroll taxes, which will overwhelmingly hinder lower-income families.

I urge my colleagues to uphold the core American values of fairness and belief in meritocracy by rejecting this tax cut.

If we really wish to help the most deserving American families, we should raise the minimum wage.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to this this so-called "Compromise" Estate Tax proposal. This bill does make compromises—it compromises our children's futures, it compromises the future of our Social Security system, and it compromises our working families.

We're facing real issues in this country. We have rising deficits and a Social Security system that needs to be further secured. And today we are debating a bill to effectively repeal a tax that affects only the largest one half of one percent of estates. In the first 10 years after it takes effect, it will cost more than $750 billion, including interest on the added debt. That bill will have to be paid by the rest of America, including our grandchildren.

My colleague, Congressman POMEROY, offered a substitute to reform the estate tax and help shore up Social Security. We could increase the current estate tax exclusion to $3 million per individual and $6 million per couple after 2006 and $3.5 million per individual and $7 million per couple in 2009. This would exempt 99.7 percent of estates from tax liability. And we could funnel estate tax revenues into Social Security, solving a full quarter of the trust fund's shortfall.

Let me remind my colleagues that Social Security not only provides essential retirement security for our Nation's seniors, it also provides disability and life insurance for our troops . We had an opportunity to turn estate tax funds into a dedicated source of revenue for this vital program. We had an opportunity for real reform.

Unfortunately, the majority on the Rules Committee rejected this opportunity by rejecting the Democratic amendment. Now we are debating some very different priorities. Instead of guaranteeing a source of funding for Social Security for our Nation's seniors and military families, we're talking about guaranteeing a huge tax break to multimillionaires and billionaires. Instead of seriously facing our massive deficits, we're talking about adding to them. Instead of instituting real, clear tax reform, we are talking about a tax rate that is not even defined outright in this bill. I have been willing to consider certain creative proposals that would allow individuals to voluntarily prepay their tax, but this proposal is a non-starter.

If we pass this legislation, who will pay for the deficits? This bill will add $750 billion to the national debt over 10 years. Who will pay that price? Certainly not those who can best afford it—they're the ones who are reaping the benefits. This bill gives a small portion of the richest people in this country a gift and asks the middle class and their children to pay for it.

Mr. Speaker, I urge my colleagues to reject this false compromise. It's time to stop passing special interest legislation like this and start focusing on real reforms that benefit all Americans.

Mr. STARK. Mr. Speaker, I rise in strong opposition to yet another tax break for the ultra-wealthy. This week, Republicans rejected an increase in the minimum wage that would have enabled people making $5.15 an hour to receive a $2 raise. Yet today they're falling all over themselves to give every single person worth more than $20 million a $5.6 million tax break.

A cartoonist couldn't draw a clearer illustration of the Republicans' misguided priorities. Though 46 million Americans lack health insurance and millions of children are denied access to quality education, Republicans insist on enriching those who least need our assistance.

It is irresponsible and immoral to decrease revenue by $800 billion. With this money, we could provide quality health care for every man, woman and child; make the dream of affordable college a reality for all those who can't now afford higher education; or fund groundbreaking scientific research. It took us less than a decade to go to the moon. With a similar effort, we might cure AIDS or cancer.

The Republican priorities are clear: $5.6 million for each of their rich campaign donors and $0 for hard working stiffs trying to raise a family on $5.15 an hour.

The Republicans are bowing down to 18 super-wealthy families who have spent nearly $500 million lobbying for estate tax repeal. These families own everything from Amway to Wal-Mart and stand to gain billions of dollars from any so-called compromise.

Another quite wealthy man has a different view. Bill Gates, Sr., recently said: "Given the fact that we have an unacceptable deficit, undeniable and huge demands resulting from our foreign involvement, and tragedies occurring here at home that need support from the federal government, it seems just plain irresponsible to talk about dismissing this particular source of federal revenue."

I couldn't say it any better myself, and I urge all my colleagues to vote "no" on this bill.

Mr. TIAHRT. Mr. Speaker, I am disappointed the House today voted to pass a bill that would replace one arbitrary unjust tax with another arbitrary unjust tax under the guise of compromise. The House has overwhelmingly voted, with strong bipartisan support, to permanently repeal the death tax five times in the past 5 years. I have voted each time in favor of full repeal.

Some of my colleagues believe we will not be able to gain the Senate's support for full repeal of this egregious tax. And for this reason, the House should pass a compromise bill that would partially eliminate a tax that an overwhelming majority of this body and my constituents believe should be completely repealed.

Rather than partially doing the right thing in the name of compromise, the House should stand steadfast on this issue. When the House passed H.R. 5638 today, we sent a message of defeat on the willingness of this Congress to put this issue to rest. Once those who want to keep the death tax know the House is willing to compromise, it will be difficult, if not impossible, for this body to exert the political will to permanently and completely eliminate the death tax.

For this reason I opposed passage of the premature compromise bill.

My constituents in Kansas know the death tax is a duplicative tax on small businesses and family farms that, in many cases, families have spent generations building. Small business owners, farmers and ranchers should not

be taxed by the Federal Government when they die. This only forces their relatives to repurchase what rightfully should remain in the family.

Additionally, this tax forces family businesses to invest in Uncle Sam rather than the economy. When families are forced to repurchase businesses because of the death tax, that means less money is being invested in new jobs and capital expansion. The bottom line is that the death tax is a tax on the economy because it slows economic growth.

Now is not the time to compromise on the economy. Instead, we should be doing everything in our power to support long-term economic growth. Permanent repeal of the death tax will mean more high-quality, high-paying jobs for Americans.

When I voted against the compromise bill today, I dId so to reassure my constituents I will continue fighting to permanently and fully repeal the death tax. Compromise is premature, and discriminatory against families who have been good stewards of what they have earned.

My position is unchanged: The American people deserve full repeal of the death tax.

Mr. CAMP of Michigan. Mr. Speaker, today I rise in support of a permanent solution to the ''estate tax'' or what many call the ''death tax.'' Whatever name it goes by, it is a tax on the American dream.

This country was founded on, grew and has become the world's most powerful economic engine based on the entrepreneurial spirit of our citizens; the willingness to have an idea, invest in it and build a business around it.

America's history is replete with once small family operations that are now some of the world's largest and best in their fields: Levi Strauss and his San Francisco dry goods store; Eberhard Anheuser and his son-in-law Adolphus Busch and their first struggling brewery in St. Louis; J. Willard Marriott and his wife Alice started with a root beer stand here in DC; and the Houghton family and their Corning Glass Works, which provided the glass for Edison's first light bulb and now is a leader in fiber-optics, just to name a few.

Studies have shown that the death tax is the leading cause of dissolution for most small businesses. It is estimated that 70 percent of businesses never make it past the first generation because of death tax rates and 87 percent do not make it to the third generation.

Resources that could be better used to expand a business or hire new employees are instead used inefficiently to plan for the impact of the death tax. This tax costs the American economy between 170,000 and 250,000 jobs annually. The Joint Economic Committee noted that the death tax reduces the stock in the economy by $497 billion.

By raising the base level and indexing it for inflation, we will give family operations a chance to grow. Just as Strauss, Houghton, Anheuser-Busch and Marriott grew and now employ over 210,000 people between the four companies.

Our failure to act today will put a cap on the American dream and will keep the small businesses and family farms of today from passing to future generations. A failure to index for inflation would mean smaller and smaller operations would be impacted every year, creating a virtual noose that is slowly drawing closed around our ability to create new jobs.

Mr. Speaker, the American dream is not a small dream, and our Tax Code should not keep our families, our businesses or our farms from growing to their fullest extent.

Death should not be taxed at a rate of 55 percent. Make no mistake about it, if we do not pass this bill today that is exactly the rate families will face in 2011. The permanent solution within this legislation will ensure that small businesses and family farms are not subject to these unfair rates of taxation.

Mr. Speaker, I urge my colleagues to honor the American entrepreneurial spirit by joining me in voting in favor of this legislation.

Mr. BLUMENAUER. Mr. Speaker, in the face of a significant tax problem for a growing number of American families, the soon to be 30 million taxpayers who will be forced to pay the alternative minimum tax unless there is a significant effort to address tax reform, the Republican leadership is again fixating on the inheritance tax. This legacy from Teddy Roosevelt and the progressive era of over a century ago is a tax on significant wealth most often the bulk of which is accumulated capital which had never been taxed in the first place. The outright repeal has actually been opposed by some of America's wealthiest citizens, such as Warren Buffett. Indeed, Bill Gates, Sr., the father of America's richest person—Bill Gates—wrote a book about why the elimination of the inheritance tax was a bad idea.

Since I came to Congress 10 years ago I have been supportive of making sensible reforms to raise the exemption, adjust the rates so that they are more gently graduated like they used to be, and provide deferral for owners of closely held businesses that wanted to continue in operation. Instead of a compromise that would be overwhelmingly supported by Republicans and Democrats alike, the Republican leadership continues to play games with families and businesses with this current bill.

This bill is tantamount to full repeal and will add hundreds of billions of dollars to our national deficit. The cost of H.R. 5638, estimated at $280 billion over 11 years, is 70 percent to 80 percent of the full repeal cost to the national treasury. Like previous legislative proposals to repeal the inheritance tax, this bill is a solution in search of a problem aimed at helping the most well-off Americans while deepening the Federal debt. This is the latest in a long string of fiscally irresponsible moves reflecting the misplaced priorities of this Congress.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 5638, the Permanent Estate Tax Relief Act of 2006. Thank you for bringing this important issue to the floor.

I cosponsored and voted in favor of H.R. 8, the Death Tax Repeal Permanency Act of 2005, which overwhelmingly passed in the House last year. I still believe in the permanent repeal of the estate tax, because without permanent repeal businesses will die. This bill simply isn't good enough. It doesn't keep the promise that I made to the people in my district to end, once and for all, the double taxation of the dead.

I will vote for this bill today because it is the best we can do at this time. In my mind this is only a downpayment, and I will work with the Congress to permanently eliminate this unreasonable and unfair double taxation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have voted for estate tax relief before but I oppose this bill because it is irresponsible to cut taxes for the wealthy when the Nation is at war and the national debt is over $8 trillion. Indeed, Mr. Speaker, I think it is unconscionable to be considering voting another tax cut to the wealthiest 0.3 percent of Americans.

The Joint Committee on Taxation estimates that this estate tax proposal will cost the Federal Government $602 billion, plus an extra $160 billion when interest is accounted for. Only 0.5 percent of the richest families in America currently pay estate taxes. Moreover, under current law in 2009, only 3 out of every 1,000 estates will pay a penny in estate taxes—all couples with estates up to $7 million, 99.7 percent, will pass on their entire estates tax-free. Any compromise proposal which deviates from 2009 current law—such as H.R. 5638—is therefore crafted entirely to benefit this tiny sliver of the richest estates.

American voters stand strongly against drastic estate tax legislation. According to recent polling data, nearly 60 percent of voters hold the initial, unaided view that estate tax should be left as is or reformed, and only 23 percent support repeal. When asked about the estate tax in the context of other budget priorities, voters rank repealing the estate tax as the last priority, and 55 percent of voters oppose repeal.

This so-called compromise, nearly as regressive and costly as a full repeal, is no compromise at all. Passing even this compromise legislation would constitute one of the most regressive tax cuts in the history of the United States. Middle- and lower-class Americans will be forced to shoulder the burden of radically decreasing the estate tax—both monetarily and through decreased public programs. In order to cover the monetary gap, the Government will plunge further into debt, which will limit its ability to address the Social Security solvency gap and reduce the money available for public programs. It will also have to tap other tax sources, like payroll taxes, which will overwhelmingly hinder lower-income families.

I urge my colleagues to uphold the core American values of fairness and belief in meritocracy by rejecting this tax cut.

If we really wish to help the most deserving American families, we should raise the minimum wage from $5.15 to $7.25 over 3 years. Mr. Speaker, did you know that today's minimum wage of $5.15 today is the equivalent of only $4.23 in 1995, which is even lower than the $4.25 minimum wage level before the 1996–97 increase? It is scandalous, Mr. Speaker, that a person can work full-time, 40 hours per week, for 52 weeks, earning the minimum wage would gross just $10,700, which is well below the poverty line.

A minimum wage increase would raise the wages of millions of workers:

An estimated 7.3 million workers, 5.8 percent of the workforce, would receive an increase in their hourly wage rate if the minimum wage was raised from $5.15 to $7.25 by June 2007. Due to ''spillover effects,'' the 8.2 million workers, 6.5 percent of the workforce, earning up to $1.00 above the minimum would also be likely to benefit from an increase.

Raising the minimum wage will benefit working families. The earnings of minimum wage workers are crucial to their families' well-being. Evidence from the 1996–97 minimum wage increase shows that the average minimum wage worker brings home more than half, 54 percent, of his or her family's weekly earnings.

An estimated 760,000 single mothers with children under 18 would benefit from a minimum wage increase to $7.25 by June 2007.

Single mothers would benefit disproportionately from an increase—single mothers are 10.4 percent of workers affected by an increase, but they make up only 5.3 percent of the overall workforce. Approximately 1.8 million parents with children under 18 would benefit.

Contrary to popular myths and urban legends, adults make up the largest share of workers who would benefit from a minimum wage increase. Seventy-two percent of workers whose wages would be raised by a minimum wage increase to $7.25 by June 2007 are adults, age 20 or older. Close to half, 43.9 percent, of workers who would benefit from a minimum wage increase work full time and another third, 34.5 percent, work between 20 and 34 hours per week.

Minimum wage increases benefit disadvantaged workers and women are the largest group of beneficiaries from a minimum wage increase; 60.6 percent of workers who would benefit from an increase to $7.25 by 2007 are women. An estimated 7.3 percent of working women would benefit directly from that increase in the minimum wage.

A disproportionate share of minorities would benefit from a minimum wage increase. African Americans represent 11.1 percent of the total workforce, but are 15.3 percent of workers affected by an increase. Similarly, 13.4 percent of the total workforce is Hispanic, but Hispanics are 19.7 percent of workers affected by an increase.

The benefits of the increase disproportionately help those working households at the bottom of the income scale. Although households in the bottom 20 percent received only 5.1 percent of national income, 38.1 percent of the benefits of a minimum wage increase to $7.25 would go to these workers. The majority of the benefits, 58.5 percent, of an increase would go to families with working, prime-aged adults in the bottom 40 percent of the income distribution.

Among families with children and a low-wage worker affected by a minimum wage increase to $7.25, the affected worker contributes, on average, half of the family's earnings. Thirty-six percent of such workers actually contribute 100 percent of their family's earnings.

A minimum wage increase would help reverse the trend of declining real wages for low-wage workers. Between 1979 and 1989, the minimum wage lost 31 percent of its real value. By contrast, between 1989 and 1997, the year of the most recent increase, the minimum wage was raised four times and recovered about one-third of the value it lost in the 1980s.

Income inequality has been increasing, in part, because of the declining real value of the minimum wage. Today, the minimum wage is 33 percent of the average hourly wage of American workers, the lowest level since 1949. A minimum wage increase is part of a broad strategy to end poverty. As welfare reform forces more poor families to rely on their earnings from low-paying jobs, a minimum wage increase is likely to have a greater impact on reducing poverty.

Mr. Speaker, the opponents of the minimum wage often claim that increasing the wage will cost jobs and harm the economy. Of course, Mr. Chairman, there is no credible study to support such claims. In fact, a 1998 EPI study failed to find any systematic, significant job loss associated with the 1996–97 minimum wage increase. The truth is that following the most recent increase in the minimum wage in 1996–97, the low-wage labor market performed better than it had in decades. And after the minimum wage was increased, the country went on to enjoy the most sustained period of economic prosperity in history. We had historic low levels of unemployment rates, increased average hourly wages, increased family income, and decreased poverty rates. Studies have shown that the best performing small businesses are located in States with the highest minimum wages. Between 1998 and 2004, the job growth for small businesses in States with a minimum wage higher than the Federal level was 6.2 percent compared to a 4.1 percent growth in States where the Federal level prevailed.

So much for the discredited notion that raising the minimum wage harms the economy. It does not. But it increases the purchasing power of those who most need the money, which is far more than can be said of the Republicans' devotion to cutting taxes for multi-millionaires.

Mr. Speaker, Americans overwhelmingly side with progressive principles of rewarding hard work with a living wage. In a recent poll conducted by the Pew Research Center, 86 percent of Americans favored raising the minimum wage. In the 2004 election, voters in Florida and Nevada, two States won by President Bush, overwhelmingly approved ballot measures to raise the minimum wage. Even in Nevada's richest county, 61.5 percent of Douglas, where Bush received 63.5 percent of the vote, voters supported raising the minimum wage.

Forty-three percent of Americans consider raising the minimum wage to be a top priority. In contrast, only 34 percent considered making the recent Federal income tax cuts permanent and only 27 percent consider the passage of a constitutional amendment to ban same-sex marriage as top priorities.

Members of Congress have legislated a minimum salary for themselves and have seen fit to raise it eight times since they last raised the minimum wage. It is time we gave the Americans we represent a long-overdue pay raise by increasing the minimum wage to $7.25 over 3 years. Even this amount does not keep pace with the cost of living. The minimum wage would have to be increased to $9.05 to equal the purchasing power it had in 1968. And if the minimum wage had increased at the same rate as the salary increase corporate CEOs have received, it would now be $23.03 per hour.

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

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to House Resolution 885, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, I am, Mr. Speaker, in its present form.

Mr. THOMAS. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The gentleman reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rangel moves to recommit the bill promptly to the Committee on Ways and Means with the following amendatory instructions: At the end of the bill insert the following:

(1) On June 21, 2006, the Committee on Rules of the House of Representatives met in an emergency meeting to provide a rule for the consideration of H.R. 5638, even though all of the estate and gift tax provisions contained therein do not take effect until January 1, 2010.

(2) The estate tax provisions in H.R. 5638 will cost more than $800 billion (including interest) in the first 10 years in which the effect of the legislation is fully reflected in the budget deficit (fiscal years 2012–2022).

(3) More than half of that revenue cost will benefit only the wealthiest 0.3 percent of all decedents. Annually approximately 7500 estates nationwide will be the primary beneficiaries of these reductions in revenue.

(4) Under H.R. 5638, estates worth more than $20 million (annually approximately 800–900 estates) alone will get a $4.5 billion tax reduction, an average tax reduction of $5.6 million per estate.

(5) All of that revenue cost will be financed through Federal borrowing, much of which will be from foreign investors.

(6) In contrast, the Committee on Rules of the House of Representatives has not met to provide a rule for the consideration of legislation reported by a Committee of the House of Representatives that would provide for an increase of the minimum wage.

(7) An increase in the minimum wage would benefit more than 6 million individuals, include 1.8 million parents with children under age 18. These numbers dwarf the numbers of individuals who would benefit from H.R. 5638.

(8) Congress has not increased the minimum wage since 1997. The minimum wage (on an inflation adjusted basis) is now at its lowest level in 50 years.

(9) Currently a person working full-time at the minimum wage will earn just $10,700 annually, less than two-tenths of one percent of the average benefit provided by H.R. 5638 to estates worth more than $20 million.

(10) The increase in annual income of a full-time minimum wage worker under the minimum wage legislation reported by the Committee of the House of Representatives would be less than one-tenth of one percent of the average benefit provided by H.R. 5638 to estates worth more than $20 million.

(11) Enacting the estate tax reductions contained in H.R. 5638, while refusing to increase the minimum wage, amounts to placing the interests of 7500 of the wealthiest estates annually above the interest of 6.6 million individuals who would benefit from a minimum wage increase, based on the above the Committee shall report the same back to the House only after the House has acted on an increase in the minimum wage.

POINT OF ORDER

The SPEAKER pro tempore. Does the gentleman from California insist on his point of order?

Mr. THOMAS. Mr. Speaker, I make a point of order against the motion to recommit and believe the point of order is in order because this supposed motion to recommit is not germane.

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

Mr. RANGEL. Mr. Speaker, may I respond?

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. RANGEL. Mr. Speaker, one may wonder how germane is it when we are considering a bill that 7,500 families will be the beneficiary at the cost of $800 billion, as opposed to what I am raising in the motion to recommit, and that is the lives of 6.6 million working people that really are working at the minimum wage. So there is a difference in how we perceive what we are doing today, whether the hundreds of million of people that work every day should be sacrificed at a cost of close to $1 trillion when, in fact, we are talking about 7,500 families that have not worked for the money but are going to inherit the money.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

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

Mr. THOMAS. Mr. Speaker, is the gentleman supposed to respond to the point of order, or is he allowed to make a partisan political speech which is not germane to the point of order?

The SPEAKER pro tempore. The gentleman is allowed to speak on the point of order and address the issue of germaneness.

Mr. RANGEL. Well, that was my point, that I am trying to show the significance of taxpayers; taxpayers, where one group is at the minimum wage, and people who, right now 99.7 percent of these people, do not pay taxes on their estate. So clearly we are talking in terms of who is suffering the liability of taxes.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman must address the issue of germaneness, please. The gentleman may resume.

Mr. RANGEL. The germaneness is who is going to pay for this bill that is before us today? And the motion to recommit says that we should consider the millions of people who work every day that don't get this type of relief.

Mr. THOMAS. Mr. Speaker, I have a point of order. Beginning your statement with ''this is why it is germane'' is not addressing the germaneness question.

The SPEAKER pro tempore. The gentleman must address his comments to the issue of germaneness of the motion to recommit.

Mr. RANGEL. Well, I will yield to the Chair to determine what is fair and what is equitable as we talk about the lives of working people that pay taxes every day as opposed to having a trillion dollars to be disbursed to people who don't pay taxes.

The SPEAKER pro tempore. If no other Member wishes to address the point of order, the Chair is prepared to rule.

The gentleman makes a point of order that the amendment offered by the gentleman from New York is not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a ''subject different from that under consideration shall be admitted under color of amendment.'' One of the central tenets of the germaneness rule is that an amendment should be within the jurisdiction of the committee of jurisdiction of the bill.

The bill, H.R. 5638, was referred to the Committee on Ways and Means.

The amendment offered by the gentleman from New York in pertinent part addresses the minimum wage, a matter within the jurisdiction of the Education and the Workforce Committee. By addressing a matter outside the jurisdiction of the Committee on Ways and Means, the amendment is not germane.

The point of order is sustained. The motion is not in order.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

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

Mr. THOMAS. Mr. Speaker, under the rule in consideration of this bill, the minority was allowed a motion to recommit. A motion to recommit was offered. It was clearly on its face nongermane. The Chair has just ruled that that so-called motion to recommit was nongermane. However, under the rules, that nongermane bill was read. It amounts to a political pamphlet.

Mr. RANGEL. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Does the gentleman have a parliamentary inquiry?

Mr. THOMAS. Yes. The offer of the motion to recommit would have been exhausted, and I would simply say if that is not the case, they could offer another 10 partisan tracts on the argument that it is a motion to recommit, make the same arguments, and never violate the rules, and that is not under the spirit of the rules.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, I move to appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House? Those in favor say ''aye.'' (Members responded by voice.)

Mr. THOMAS. Mr. Speaker, the gentleman was not timely in his request to appeal the decision of the Chair.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. HOYER. Mr. Speaker, a vote is in progress.

The SPEAKER pro tempore. Members will suspend.

For what purpose does the gentleman from California rise?

Mr. THOMAS. The gentleman moves to lay the motion on the table.

Mr. HOYER. The House is in the process of a vote.

MOTION TO TABLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question is on tabling the appeal.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, parliamentary inquiry. I make a point of order that that motion is not in order. The Speaker called for a vote. The aye votes were taken. The next question is the no votes. We are in the process of a vote. And until such time as that vote is concluded, a motion is not in order.

The SPEAKER pro tempore. The gentleman from California was seeking recognition. The question is on the motion to table.

POINT OF ORDER

Mr. HOYER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. HOYER. Mr. Speaker, you can run over us. We understand that. We do not have the votes. But you called the vote, Mr. Speaker, and we were in the process of a vote, and he had not been recognized at that point. Now, the fact that he was seeking recognition or not is irrelevant.

The SPEAKER pro tempore. Does the gentleman have a point of order?

Mr. HOYER. Yes.

The SPEAKER pro tempore. State your point of order, please.

Mr. HOYER. That the gentleman's motion is not in order because we were in the process of voting on the issue that was propounded by the gentleman from New York.

The SPEAKER pro tempore. When the Chair began to put the question, the gentleman from California was on his feet seeking recognition. The gentleman's motion was to table.

Mr. HOYER. I appeal the ruling of the Chair.

□ 1500

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentleman will state it.

Mr. RANGEL. First of all, when I asked for a vote, you asked for the votes for the ayes. It was my intention, in case we had lost, to ask for a vote on this because a quorum is not present.

What is happening here, and my parliamentary inquiry is, once you took the ayes, we never got an opportunity to find out the nays. So I am in the position now that I cannot challenge the Chair. After you asked for the aye votes, you never asked for the nay votes. How can we determine what the ruling of the Chair is?

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

Mr. HOYER. Mr. Speaker, I have appealed the previous ruling of the Chair. An appeal to the ruling of the Chair is pending.

The SPEAKER pro tempore. The gentleman will suspend.

For what purpose does the gentleman from California rise?

Mr. THOMAS. The gentleman from California rises, just as he did previously, to gain recognition to indicate that I move that we table the motion to lay the bill on the table of the objection of the gentleman from Maryland on the ruling of the Chair.

So I now have a lay on the table of two objections of the ruling of the Chair.

The SPEAKER pro tempore. The Chair has made a ruling on a germaneness point of order. An appeal has been taken. No further appeal may be erected at this point. The situation that the gentleman from Maryland seeks to appeal from is not appealable.

The Chair has recognized the gentleman from California and his motion to table, and that is the business before the House.

Mr. SABO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABO. Mr. Speaker, I was sitting here waiting for time to expire so I could cast a vote, and I heard the motion made by the gentleman from New York.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. SABO. Then I heard the Speaker call for a vote.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SABO. I am just curious, did the Speaker call for a vote, and did I hear some people vote aye?

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

The question is on the motion to table.

Mr. SABO. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the minority whip seek recognition?

Mr. HOYER. I do. I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. I would propound this parliamentary inquiry. Is it appropriate during the course of a vote, and after one side of the vote has been made and pending the request for the nays in this case, is it appropriate to stop that vote and then recognize someone at that point in time?

The SPEAKER pro tempore. The Chair began to take a voice vote, but then realized that a Member timely sought recognition for a proper purpose.

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. The Speaker's recollection is different than mine. The Speaker propounds and the Parliamentarian advises that apparently you began. Frankly, we were in the process. You had called for the ayes, the ayes had been made, and you were then about to call for the nays.

So I would suggest it was not a question that you had begun and then saw that the gentleman from California had risen and then sought to recognize him. What you did was, after asking for the ayes, which were enunciated, you then stopped the vote and then recognized the gentleman from California.

My question to you, therefore, you did not respond to. Once the vote is in progress, and I suggest to the Speaker and those who might advise him that the RECORD will reflect that the vote had been called, it is in that context that I again ask you, Mr. Speaker, not if you had started, but, in fact, we were in the progress of a vote.

The SPEAKER pro tempore. The Chair made a ruling. An appeal was taken. The Chair first stated the question. The Chair next began to put the question but then realized that the gentleman from California was seeking recognition. The gentleman from California was recognized on the motion to table.

The business before the House is the motion to table.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 195, not voting 9, as follows:

[Roll No. 313]

YEAS—229

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

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt

Waxman	Wexler	Wu
Weiner	Woolsey	Wynn

NOT VOTING—9

Berkley	Evans	Serrano
Davis (FL)	Johnson, Sam	Shays
Diaz-Balart, L.	Kennedy (RI)	Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in the vote.

□ 1528

Mr. SMITH of Washington and Mr. GORDON changed their vote from ''yea'' to ''nay.''

Mr. HALL and Mr. KINGSTON changed their vote from ''nay'' to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. POMEROY. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pomeroy moves to recommit the bill H.R. 5638 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Certain and Immediate Estate Tax Relief Act of 2006''.

SEC. 2. RETENTION OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) 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.

(b) SUNSET NOT TO APPLY.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(c) CONFORMING AMENDMENTS.—Subsection (d) of section 511, and subsections (b)(2) and (e)(2) of section 521, of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such subsections, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsections, and amendments, had never been enacted.

SEC. 3. IMMEDIATE INCREASE IN EXCLUSION EQUIVALENT OF UNIFIED CREDIT.

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended by striking all that follows ''the applicable exclusion amount'' and inserting ''. For purposes of the preceding sentence, the applicable exclusion amount is $3,500,000 ($3,000,000 in the case of estates of decedents dying before 2009).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2006.

SEC. 4. UNIFIED CREDIT INCREASED BY UNUSED UNIFIED CREDIT OF DECEASED SPOUSE.

(a) IN GENERAL.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (defining applicable credit amount), as amended by section 3, 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 the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the aggregate deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—For purposes of this subsection, the basic exclusion amount is $3,500,000 ($3,000,000 in the case of estates of decedents dying before 2009).

''(4) AGGREGATE DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'aggregate deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the sum of the deceased spousal unused exclusion amounts of the surviving spouse.

''(5) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, the term 'deceased spousal unused exclusion amount' means, with respect to the surviving spouse of any deceased spouse dying after December 31, 2006, the excess (if any) of—

''(A) the applicable exclusion amount of the deceased spouse, over

''(B) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(6) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (5) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) of such Code, after the application of section 3, is amended to read as follows:

''(1) the applicable credit amount under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) of such Code is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) of such Code, after the application of section 3, is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2006.

SEC. 5. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

''(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

''(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

''(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

''(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

''(2) NONBUSINESS ASSETS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

''(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

''(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

''(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

''(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

''(3) PASSIVE ASSET.—For purposes of this subsection, the term 'passive asset' means any—

''(A) cash or cash equivalents,

''(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

''(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

''(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

''(E) annuity,

''(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

''(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

''(H) commodity,

''(I) collectible (within the meaning of section 401(m)), or

''(J) any other asset specified in regulations prescribed by the Secretary.

''(4) LOOK-THRU RULES.—

''(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

''(B) 10-PERCENT INTEREST.—The term '10-percent interest' means—

''(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

''(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

''(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

''(5) COORDINATION WITH SUBSECTION (B).—Subsection (b) shall apply after the application of this subsection.

''(e) LIMITATION ON MINORITY DISCOUNTS.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

Amend the title so as to read: ''A bill to amend the Internal Revenue Code of 1986 to retain the estate tax with an immediate increase in the exemption, to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, and for other purposes.''.

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota is recognized for 5 minutes in support of his motion.

□ 1530

Mr. POMEROY. Mr. Speaker, I am going to be brief with the 5 minutes allocated for this side. I do not intend to use all of it, with the reason we are presenting this information and this alternative under the motion to recommit is because the Rules Committee, when offering this House a so-called compromise on the estate tax reform, only allowed one version and did not allow the minority even the opportunity to present a different level of compromise. So we have to use this motion to recommit, and I will tell you quickly what it does.

It would exclude all estates from taxation at the $3 million level and $6 million joint level beginning January of next year. In 2009, it would move as the present law affords to the $3.5- and $7 million, excluding all estates below that.

Many of us believe that the estate tax needs reform, and we think this reform at the levels $7 million joint exclusion from 2009 and thereafter is very meaningful reform indeed, and, in fact, it makes the estate tax go away for 99.7 percent of the people in this country.

Yet it compares very favorably in cost impact to the Thomas proposal before the House; indeed, 40 percent of the costs of outright repeal for the motion to recommit compared to the Thomas proposal, which, when fully phased in years 2010 to 2020, costs 80 percent, maybe even more. We estimate at least $800 billion will be lost, and we mean actually borrowed because we are in deep deficits.

It is a simple fact. You take the tax off some, somebody else is probably going to have to pick up the tab. So here you have got a tax that is of no consequence to 99.7 percent of the people in this country. We are going to repeal the tax on the wealthiest sliver. You know what it means. Everyone else is going to have to pick up the slack.

This is a House that has voted to raise the national borrowing limit in March, raised it again in May, all of this driven by out-of-control deficits, and here you are about to advance a proposal that would lose $800 billion in the next decade, the very decade when 78 million Americans will move into that 65-year age group beginning the draw on Medicare, which goes out of balance in 2012, beginning to draw on Social Security, which goes out of balance in 2017.

We have got to take a breath here and ask ourselves what have we done to the revenue base of this country? We have got solemn commitments, the promise of Medicare and the promise of Social Security, and there is no way in the world we have the funding base, particularly if the Thomas alternative would become law, to meet those promises to the American people.

So I say this: Let us pass this motion to recommit. Let us give estate tax relief to 99.7 percent of the people in this country, and let us retain some ability of our great Nation to meet the promises of Medicare and Social Security to those counting on it.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, first of all, I want to apologize to the Members for the wasted time based upon the obvious partisan motion to recommit which was not germane.

The best thing I can say about this one is it is germane. It is an index. We have no score, nothing from the Joint Tax Committee. You will be pleased to know I will yield back the balance of my time. Vote ''no'' on the motion to recommit.

Mr. Speaker, I rise in support of the Motion to Recommit and in favor of the Pomeroy Substitute to H.R. 5638, the ''Permanent Estate Tax Relief Act of 2006.''

The GOP bill is fiscally irresponsible, costing $762 billion over 10 years—heaping even more debt onto our children and grandchildren. At a time of record deficits, the bill would cost about $290 billion from fiscal years 2006–2016. The estate tax provisions do not take effect until 2011. Thus, the actual cost of H.R. 5638 over the period from 2012 until 2021 shows the impact that the bill will have in the first ten years it is in effect. This more accurate 10-year cost would exceed three-quarters of a trillion dollars when interest payments on the debt incurred are included according to the Center on Budget and Policy Priorities' estimates. Already, the GOP has squandered $5.6 trillion in 10-year surplus and turned it into a $3.2 trillion 10-year deficit. Congress just raised the debt ceiling to nearly $9 trillion, in March—amounting to about $100,000 of debt for each tax paying family.

The Pomeroy Substitute provides estate tax relief for 99.7 percent of all estates. The Pomeroy Substitute offers more estate tax relief sooner, and is a simpler and more responsible solution over the long-term—raising the amount of an estate excluded from taxes to $6 million per couple and increasing this to $7 million by 2009. Not only did this provide relief for small businesses and family farmers, but it would not have heaped more debt onto our children and grandchildren—costing only 60 percent of H.R. 5638. The Pomeroy Substitute is paid for by closing the gap in unpaid taxes, but Republicans are refusing to allow these provisions to be considered. It would also simplify estate tax planning for married couples who could carry over any unused exemption to the surviving spouse assuring that the full $7 million would be available.

Furthermore, the Pomeroy Substitute transfers the estate tax revenue tax receipts to shore up the Social Security trust fund, and the Social Security Actuary has calculated that this action would solve one quarter of the trust fund's shortfall. Last year, Democrats voted for a similar measure.

Almost no working farmers ever pay the estate tax. Under the $3.5 million exemption to take effect in 2009, the number of family farms required to pay any taxes would have been just 65 in 2000, along with 94 small businesses. Support the Pomeroy Substitute. Vote "aye" on the Motion to Recommit.

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

There was no objection.

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

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

RECORDED VOTE

Mr. POMEROY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 182, noes 236, not voting 15, as follows:

[Roll No. 314]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—236

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
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
Royce
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Berkley
Conyers
Davis (FL)
Diaz-Balart, L.
Evans
Johnson, Sam
Kennedy (RI)
McKeon
Moran (KS)
Nadler
Pitts
Serrano
Shays
Visclosky
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1551

Mr. CUELLAR changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

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

Mr. RANGEL. Is at this stage a motion to adjourn in order?

The SPEAKER pro tempore. The motion to adjourn is not in order.

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

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 156, not voting 8, as follows:

[Roll No. 315]

AYES—269

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
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
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
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)

NOES—156

Ackerman
Allen
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—8

Berkley
Davis (FL)
Evans
Johnson, Sam
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in this vote.

□ 1600

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of H.R. 5638, the bill just passed.

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

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

LEGISLATIVE LINE ITEM VETO ACT OF 2006

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 886, I call up the bill (H.R. 4890) to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 886, the bill is considered read.

The text of the bill is as follows:

H.R. 4890

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 ''Legislative Line Item Veto Act of 2006''.

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking part C and inserting the following:

''PART C—LEGISLATIVE LINE ITEM VETO

''SEC. 1021. (a) PROPOSED RESCISSIONS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any dollar amount of discretionary budget authority or the rescission, in whole or in part, of any item of direct spending.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to Congress a special message proposing to rescind any dollar amount of discretionary budget authority or any item of direct spending.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget authority or item of direct spending proposed to be rescinded—

''(i) the amount of budget authority or the specific item of direct spending that the President proposes be rescinded;

''(ii) any account, department, or establishment of the Government to which such budget authority or item of direct spending is available for obligation, and the specific project or governmental functions involved;

''(iii) the reasons why such budget authority or item of direct spending should be rescinded;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority or item of direct spending is provided; and

''(vi) a draft bill that, if enacted, would rescind the budget authority or item of direct spending proposed to be rescinded in that special message.

''(2) ENACTMENT OF RESCISSION BILL.—

''(A) DEFICIT REDUCTION.—Amounts of budget authority or items of direct spending which are rescinded pursuant to enactment of a bill as provided under this section shall be dedicated only to deficit reduction and shall not be used as an offset for other spending increases.

''(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a rescission bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 302(a) to reflect the rescission, and the appropriate committees shall report revised allocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO CAPS.—After enactment of a rescission bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act, as appropriate.

''(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—

''(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) a bill to rescind the amounts of budget authority or items of direct spending, as specified in the special message and the President's draft bill. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

''(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the fifth day of session of that House after the date of introduction of the bill in that House. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

''(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be transmitted to the other House before the close of the next day of session of that House.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

''(C) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

''(D) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the

House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(F) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(d) AMENDMENTS AND DIVISIONS PROHIBITED.—No amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

''(e) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD.—

''(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may direct that any dollar amount of discretionary budget authority proposed to be rescinded in that special message shall not be made available for obligation for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

''(2) EARLY AVAILABILITY.—The President may make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(f) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND.—

''(1) IN GENERAL.—At the same time as the President transmits to Congress a special message pursuant to subsection (b), the President may suspend the execution of any item of direct spending proposed to be rescinded in that special message for a period not to exceed 180 calendar days from the date the President transmits the special message to Congress.

''(2) EARLY AVAILABILITY.—The President may terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term 'appropriation law' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

''(2) the term 'deferral' has, with respect to any dollar amount of discretionary budget authority, the same meaning as the phrase 'deferral of budget authority' defined in section 1011(1) in part B (2 U.S.C. 682(1));

''(3) the term 'dollar amount of discretionary budget authority' means the entire dollar amount of budget authority and obligation limitations—

''(A) specified in an appropriation law, or the entire dollar amount of budget authority required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(B) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(C) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

''(D) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(E) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which dollar amount of discretionary budget authority is provided in an appropriation law;

''(4) the terms 'rescind' or 'rescission' mean to modify or repeal a provision of law to prevent—

''(A) budget authority from having legal force or effect;

''(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect; and

''(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect;

''(5) the term 'direct spending' means budget authority provided by law (other than an appropriation law); entitlement authority; and the food stamp program;

''(6) the term 'item of direct spending' means any specific provision of law enacted after the effective date of the Legislative Line Item Veto Act of 2006 that is estimated to result in a change in budget authority or outlays for direct spending relative to the most recent levels calculated pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and with respect to estimates made after that budget submission that are not included with it, estimates consistent with the economic and technical assumptions underlying the most recently submitted President's budget;

''(7) the term 'suspend the execution' means, with respect to an item of direct spending or a targeted tax benefit, to stop for a specified period, in whole or in part, the carrying into effect of the specific provision of law that provides such benefit; and

''(8)(A) the term 'targeted tax benefit' means—

''(i) any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries under the Internal Revenue Code of 1986 in any fiscal year for which the provision is in effect; and

''(ii) any Federal tax provision that provides temporary or permanent transitional relief for 10 or fewer beneficiaries in any fiscal year from a change to the Internal Revenue Code of 1986;

''(B) a provision shall not be treated as described in subparagraph (A)(i) if the effect of that provision is that—

''(i) all persons in the same industry or engaged in the same type of activity receive the same treatment;

''(ii) all persons owning the same type of property, or issuing the same type of investment, receive the same treatment; or

''(iii) any difference in the treatment of persons is based solely on—

''(I) in the case of businesses and associations, the size or form of the business or association involved;

''(II) in the case of individuals, general demographic conditions, such as income, marital status, number of dependents, or tax-return-filing status;

''(III) the amount involved; or

''(IV) a generally-available election under the Internal Revenue Code of 1986;

''(C) a provision shall not be treated as described in subparagraph (A)(ii) if—

''(i) it provides for the retention of prior law with respect to all binding contracts or other legally enforceable obligations in existence on a date contemporaneous with congressional action specifying such date; or

''(ii) it is a technical correction to previously enacted legislation that is estimated to have no revenue effect;

''(D) for purposes of subparagraph (A)—

''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

''(ii) all qualified plans of an employer shall be treated as a single beneficiary;

''(iii) all holders of the same bond issue shall be treated as a single beneficiary; and

''(iv) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

''(E) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that results in a reduction in Federal tax revenues for any one of the two following periods—

''(i) the first fiscal year for which the provision is effective; or

''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

''(F) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

''(h) APPLICATION TO TARGETED TAX BENEFITS.—The President may propose the repeal of any targeted tax benefit in any bill that includes such a benefit, under the same conditions, and subject to the same Congressional consideration, as a proposal under this section to rescind an item of direct spending.''.

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''and 1017'' and inserting ''1017, and 1021''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''sections 1017 and 1021''.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(A) striking ''Parts A and B'' before ''title X'' and inserting ''Parts A, B, and C''; and

(B) striking the last sentence and inserting at the end the following new sentence: ''Part C of title X also may be cited as the 'Legislative Line Item Veto Act of 2006'.''.

(2) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for part C of title X and inserting the following:

''PART C—LEGISLATIVE LINE ITEM VETO

''Sec. 1021. Expedited consideration of certain proposed rescissions.''.

(d) SEVERABILITY.—If any provision of this Act or the amendments made by it is held to be unconstitutional, the remainder of this Act and the amendments made by it shall not be affected by the holding.

(e) EFFECTIVE DATE.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act; and

(2) apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 109–518, is adopted.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 4890

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 ''Legislative Line Item Veto Act of 2006''.

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''LINE ITEM VETO AUTHORITY

''SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 45 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority, item of direct spending, or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority, item of direct spending, or targeted tax benefit. If the 45 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 45 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority, items of direct spending, or targeted tax benefits.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the discretionary budget authority, items of direct spending proposed, or targeted tax benefits to be canceled—

''(i) the dollar amount of discretionary budget authority, the specific item of direct spending (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1017(9)), or the targeted tax benefit that the President proposes be canceled;

''(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

''(iii) the reasons why such discretionary budget authority, item of direct spending, or targeted tax benefit should be canceled;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority, item of direct spending, or the targeted tax benefit is provided;

''(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority, items of direct spending, or targeted tax benefits proposed in that special message; and

''(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

''(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority, item of direct spending, or targeted tax benefit more than one time under this Act.

''(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than 5 special messages under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 10 special messages for any omnibus budget reconciliation or appropriation measure.

''(2) ENACTMENT OF APPROVAL BILL.—

''(A) DEFICIT REDUCTION.—Amounts of budget authority, items of direct spending, or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

''(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

''(D) TRUST FUNDS AND SPECIAL FUNDS.—Nothwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.''.

''PROCEDURES FOR EXPEDITED CONSIDERATION

''SEC. 1012. (a) EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (C). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

''(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(F) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

''PRESIDENTIAL DEFERRAL AUTHORITY

''SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND DIRECT SPENDING.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any item of direct spending proposed to be canceled in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any item of direct spending at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 45 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(d) EXTENSION OF 45-DAY PERIOD.—The President may transmit to the Congress not more than one supplemental special message to extend the period to suspend the implementation of any discretionary budget authority, item of direct spending, or targeted tax benefit, as applicable, by an additional 45 calendar days. Any such supplemental message may not be transmitted to the Congress before the 40th day of the 45-day period set forth in the preceding message or later than the last day of such period.

''IDENTIFICATION OF TARGETED TAX BENEFITS

''SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the 'chairmen') shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

''(b) STATEMENT INCLUDED IN LEGISLATION.—

''(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

''(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: 'Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall _____ apply to _____.', with the blank spaces being filled in with—

''(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word 'only' in the first blank space and a list of all of the specific provisions of the bill or joint resolution identified by the chairmen in such statement in the second blank space; or

''(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word 'not' in the first blank space and the phrase 'any provision of this Act' in the second blank space.

''(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a staement under subsection (a), the Joint Committee on Taxation shall—

''(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits identified by the chairmen in such statement in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

''(2) in the case of a statement described in subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.''.

''(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

''(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

''(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

''TREATMENT OF CANCELLATIONS

''SEC. 1015. The cancellation of any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

''REPORTS BY COMPTROLLER GENERAL

''SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or item of direct spending or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

''DEFINITIONS

''SEC. 1017. As used in this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

''(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of new direct spending, or targeted tax benefits in a special message transmitted by the President under this part and—

''(A) the title of which is as follows: 'A bill approving the proposed cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

''(B) which does not have a preamble; and

''(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed cancellations _____', the blank space being filled in with a list of the cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates;

''(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or items of direct spending, or that are identified as targeted tax benefits pursuant to section 1014;

''(E) if any proposed cancellation other than discretionary budget authority or targeted tax benefits is estimated by CBO to not meet the definition of item of direct spending, then the approval bill shall include at the end: 'The President shall cease the suspension of the implementation of the following under section 1013 of the

Legislative Line Item Veto Act of 2006: _____', the blank space being filled in with the list of such proposed cancellations; and

''(F) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

''(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

''(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

''(A) budget authority from having legal force or effect;

''(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect;

''(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect; or

''(D) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

''(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

''(6) DIRECT SPENDING.—The term 'direct spending' means—

''(A) budget authority provided by law (other than an appropriation law);

''(B) entitlement authority; and

''(C) the food stamp program.

''(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ''dollar amount of discretionary budget authority'' means the entire dollar amount of budget authority—

''(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

''(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

''(B) The term 'dollar amount of discretionary budget authority' does not include—

''(i) direct spending;

''(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

''(iii) any existing budget authority canceled in an appropriation law; or

''(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

''(8) ITEM OF DIRECT SPENDING.—The term 'item of direct spending' means any provision of law that results in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, in the first year or the 5-year period for which the item is effective. However, such item does not include an extension or reauthorization of existing direct spending, but instead only refers to provisions of law that increase such direct spending.

''(9) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

''(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term 'omnibus reconciliation or appropriation measure' means—

''(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

''(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

''(11) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to only one beneficiary (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

''(B) for purposes of subparagraph (A)—

''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

''(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

''(iii) all employees of an employer shall be treated as a single beneficiary;

''(iv) all qualified plans of an employer shall be treated as a single beneficiary;

''(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

''(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

''(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

''(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

''(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

''(i) the first fiscal year for which the provision is effective; or

''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective; and

''(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

''EXPIRATION

''SEC. 1018. This title shall have no force or effect on or after October 1, 2012.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''1017'' and inserting '1012''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''section 1012''.

(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting ''(a)'' after ''402.'' and by adding at the end the following new subsection:

''(b) Upon the receipt of a special message under section 1011 proposing to cancel any item of direct spending, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed cancellation relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate.''.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended is amended by striking ''rescinded or that is to be reserved'' and insert ''canceled'' and by striking ''1012'' and inserting ''1011''.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''Sec. 1011. Line item veto authority.
''Sec. 1012. Procedures for expedited consideration.
''Sec. 1013. Presidential deferral authority.
''Sec. 1014. Identification of targeted tax benefits.
''Sec. 1015. Treatment of cancellations.
''Sec. 1016. Reports by Comptroller General.
''Sec. 1017. Definitions.
''Sec. 1018. Expiration.
''Sec. 1019. Suits by Comptroller General.
''Sec. 1020. Proposed Deferrals of budget authority.''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority, item of direct spending, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

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

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

There was no objection.

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that the gentleman

from Wisconsin (Mr. RYAN), the chief sponsor of the bill and a member of the Budget Committee, be allowed to control the balance of my time after I speak and also be authorized to yield blocks of time to other speakers.

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

There was no objection.

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

One of the most important obligations Congress has to be good stewards of the tax dollars is to spend it wisely, to spend it prudently, and with the Nation's best interests in mind. I think it is fair to say honoring this obligation is as important today, if not more so, than probably any time in our history.

We have made progress over the past few years in regaining control of our nonsecurity and nonemergency spending, both on the appropriations side of the budget as well as on the enormous entitlement programs. We are going to continue to build on those efforts.

With economic growth in our country and the economy, with growth of jobs, now 5 million and counting, the economy is growing. Revenues are coming into the Treasury. We are holding down spending and reforming government, and the good news is the deficit is coming down.

Each and every day on the floor we bring appropriations bills from the great committee under the leadership of JERRY LEWIS to continue that trend that we have started, and that is controlling spending, rooting out all waste, fraud and abuse. That committee is doing an excellent job, and I commend them.

But I hear criticism, and I think many Members do, when we go back home to talk to our constituents, whether it is in Iowa where I live or across the country, that they really are tired of what they hear about when it comes to this earmark or special-interest spending that goes on that sometimes only benefits a very few people.

They also tend to surprise a lot of Members in the final conference reports that come through on a number of bills, not just the appropriation bills, but across the gamut of the work Congress does.

We all know the game; and frankly, most of us play the game. Members take the opportunity to slip in a special-interest goodie for their district into these enormous spending bills; and rarely, if ever, do we take the opportunity to look at each one of those projects that affects other people's districts. As a result, we don't get to look at all of the so-called pork-barrel spending that oftentimes goes into these projects. We all know full well that many of these so-called extras or extra spending would really never survive if it was subjected to all 435 of us providing our scrutiny.

But we also know that no one person can vote against these items because doing so would mean you would have to vote against the entire bill, most of which is for legitimate purposes. So we are never going to completely eliminate the appetite on both sides of the aisle for tacking onto these large bills these special-interest projects. But what we can do and what we continue to try and do today is reform the process and minimize the impact of these wasteful items on the taxpayer.

That brings us to the bill at hand. The Legislative Line Item Veto Act of 2006 introduced by the gentleman from Wisconsin (Mr. RYAN) provides an additional effective tool for reducing wasteful spending. It is endorsed, it is supported, it is cosponsored by a bipartisan majority of this House, men and women on both sides of the aisle, that for years on both sides of the aisle in a bipartisan way have been working not only to reform the budget process, but to figure out ways to adopt a so-called line item veto.

Presidents, for time immemorial, have chided Congress for not working on this. Our President today has done the same. We need to get this done. We need to put it into law. We need to try it with a sunset attached in order to make sure that we can move this down the field and reform wasteful spending.

Don't use the excuse that this is not a perfect bill. Don't use the excuse that this is somehow the wrong time. That's an excuse in an election year when you don't want to go home and explain to your voters why every press release you said you were for it, why every time you cosponsored it, why every time you voted for it, except this time. This time somehow it is not perfect; this time somehow it is political; this time the timing just doesn't quite seem right. Those are not excuses that will hold water with the constituents back home.

We need to take this opportunity to do what is right and move the Legislative Line Item Veto Act of 2006.

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

Mr. SPRATT. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I can't help but notice the juxtaposition on the estate tax bill that will decrease revenues by $823 billion over its first 10 years of implementation and this bill which comes to us wearing the mantle of fiscal responsibility, but will barely dent the addition to the deficit we just made if that bill becomes law.

Mr. Speaker, I have written and brought to the floor of this House and seen to passage at least two, maybe three, expedited rescission bills back in the 1990s. But I can't bring those bills to this floor today because the Rules Committee won't let me. They shut me out 100 percent. Every amendment I requested was rejected, even though they were serious and substantive amendments.

So I would say to others who were here on previous occasions: Look at this bill carefully because it is not the same bill we have voted upon before.

This bill allows the President a window of 45 days in which to pick items to be rescinded. It allows the President to send five rescission bills for every appropriation bill. Five times 11, there are 11 appropriation bills, equals 55. If we have a President who makes full use of this, we are inviting chaos.

The original bill and the substitute I would have offered provide the President 10 days, which is enough. Furthermore, the more time you give the President, the more apt that the cuts he makes will be for political purposes rather than budgetary purposes. Ten days is enough for a budgetary review.

Secondly, this bill allows the House, us, Congress, to vote up or down. That's it, no amendments, no way that we can cull through the list that the President sends back up here and pick out what is a worthy project and make the case for them.

The original bill which we voted upon before and my substitute allowed a Member to go get 99 others and remove a worthy spending item from the rescission list.

Next, this bill allows the President to strike something called direct spending items. That's budget talk for Social Security, Medicare, Medicaid, veterans benefits, agriculture benefits, on and on. What we have in this bill is a fast track, an expedited track to passage, summary treatment of things that the President sends up here that are supposed to be turned around in less than 30 days, and that is no way to decide substantive changes in Medicare and Social Security, but that is what this bill provides.

The original bill and my substitute have no mention of Medicare or Social Security direct spending in it. It applied to discretionary spending, as it should.

This bill allows the President to strike targeted tax benefits. So did the original bill. I offered that amendment. But this bill defines targeted tax benefits to mean those with fewer than 100 beneficiaries. That was a targeted tax benefit.

This bill defines the number down to one beneficiary and lets the Ways and Means Committee chairman be the arbiter of that. This is a sham. It is a serious deficiency in this bill, and it distinguishes this bill from the others that have come before it.

This bill allows the President to impose a 90-day impoundment on spending items for which he seeks rescission, but by the track set up in this bill, it will only take 30 days for a rescission to run its course. Why not simply confine the amount of impoundment time to something close to the amount of time it will take to consider a rescission request?

This may seem like a small point, but we are giving a substantial grant of authority to the President. If it is abused or not used in a way that we approve, then we better keep it on tight rein. This bill sunsets in 6 years. We would sunset it in 2 years. Keep it on a

tight rein in case it is abused. It may be a small point, but it could be a major point as well.

There are other things that we would have proposed in amendments that we would offer that would make this bill better. The gentleman just talked about earmarks. We put earmark reforms in our substitute. You will not find the word ''earmark'' anywhere in this bill.

If you are going to do this, and your objective is to take down the deficit, then let's put something in here known to work toward that end, and that is the PAYGO rule. It worked so well for us in the 1990s and can work again for us. Why not use this moving vehicle in the name of fiscal responsibility to pass PAYGO as well as rescission? If we did something like that, you truly would have a bipartisan bill.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 10 seconds to the chairman of the Appropriations Committee, the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I congratulate the gentleman from Wisconsin (Mr. RYAN) for the work he has done on this very important bill. We have had our differences, but in the meantime he has been more than cooperative.

Mr. Speaker, I rise in opposition to the Legislative Line Item Veto Act. My opposition is based on Congress's experience with previous efforts to give the President line item veto authority, as well as my serious concerns over what this bill would do to the balance of budgetary power between the Legislative and Executive Branches.

During 1997, President Clinton exercised his authority under the Line Item Veto Act of 1996 to cancel spending authority or tax benefits 82 times. Total cancellations of discretionary budget authority amounted to $479 million, or less than three one-hundredths of one percent of the total fiscal year 1998 Federal budget.

The cancellations made during this period were mired in controversy. On October 6, 1997, President Clinton cancelled $287 million for 38 military construction projects in 24 States. Soon after the cancellations were announced, the administration admitted, in response to bipartisan criticism, that they had used flawed information in deciding to cancel nearly half of the projects.

The administration used three criteria in making these decisions. The cancelled projects: (1) were not requested by the military; (2) could not make contributions to the national defense in fiscal year 1998; and (3) would not benefit the quality of life and well-being of military personnel. These criteria were applied by the bureaucrats within the White House and OMB without consulting either the Department of Defense or the Members of Congress who sponsored the projects.

Congress's motivation for funding many of these projects was safety. A Live Fire Command and Control Facility at Fort Irwin, CA, would enable the Army to safely train personnel in the live firing of ordnance. Renovations at White Sands Missile Range, NM, would address the absence of fire suppression systems.

Other projects provided much-needed housing. One would provide housing at Dyess Air Force Base in Texas, where there were no existing facilities to house the 13th Bomb Squadron.

Appropriations Chairman Bob Livingston singled out a particularly egregious cancellation relating to the money for Army reserve units in Utah. He said, in a letter to President Clinton, ''I can only conclude that your decision was based on something other than an altruistic yearning to cut spending. Mr. President, this was an embarrassing mistake . . .''

The Clinton Administration responded to some of the criticism by stating that many of the cancelled projects would be requested in future budgets anyway. This only fueled congressional objections, however, as Members could not understand why the projects were not necessary now when they could be considered necessary in the next budget cycle.

Congress responded by passing a bill to disapprove the President's military construction cancellations. The bill was vetoed by the President. The House voted 347–69 and the Senate voted 78–20 to override the veto, enacting the bill and nullifying the cancellations.

On June 25, 1998, the Supreme Court ruled that the Line Item Veto Act violated the presentment clause of the Constitution, thus ending a divisive and contentious fight between the Executive and Legislative branches.

The experience of the original Line Item Veto Act should cause Congress to be extremely cautious about giving the President new line item veto authority. Even though implementation under H.R. 4890 differs from the 1996 Act, the proposed bill would transfer a great deal of budgetary power to the Executive Branch.

The expedited rescission authority mandated by H.R. 4890 would give new weight to the President's rescission proposals. While under current law any rescission proposal can be disregarded by Congress if it has no merit, H.R. 4890 requires votes in the House and Senate. The President, or even bureaucrats within the agencies or the Office of Management and Budget, would set the legislative agenda by deciding what rescissions to include in a bill.

A President could also structure his rescission messages with more of an eye toward politics instead of good policy. For example, a President, encouraged by his political advisors, could propose rescissions that target the projects of one political party. In this event, the debate over the bill would be blatantly political and would certainly lead to legislative stonewalling by the offended party. A President could also make deals with specific Members of Congress to further his legislative agenda. He could easily threaten to cancel an item directly benefiting a particular Member's district, and then back off his threat if that Member votes in favor of the President's program. If a President is interested in trading Members' projects for their support for expanded entitlement spending, for example, overall spending would actually increase.

H.R. 4890 could also present Congress with a procedural nightmare. Each rescission bill would use up to five hours of debate time in the House and ten hours in the Senate. The President could submit up to five rescission messages for each enacted spending or tax bill, or up to ten messages for an omnibus bill. A multiple-rescission-bill scenario could easily eat up precious legislative time when the legislative calendar is already severely limited.

A Republican Congress might tend to support a Republican President's rescission proposals. However, there may not always be a Republican President in the White House. Expedited rescission authority would provide new opportunities for conflict between a White House and Congress of differing parties. The result could be a legislative deadlock manufactured by the Executive Branch.

The experience of the Line Item Veto Act under President Clinton showed how contentious the debate could become over saving a relatively small amount of money. Congress should have serious reservations over giving the Executive Branch so much sway over the funding of congressional priorities and the framework of the legislative agenda.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, I am pleased to be bringing this bill to the floor today, and I would like to explain why we are doing this, why this is needed.

Just last year, according to the CRS or Citizens Against Government Waste, whichever group you want to talk about, we had over 10,000 earmarks here, totaling almost $28 billion.

Mr. Speaker, not every one of those earmarks came in just conference reports, but many of them did.

□ 1615

Mr. Speaker, we need more transparency and more accountability in how we spend the taxpayer dollars. In particular, Mr. Speaker, we ought to have the ability to be able to have votes on the individual merits of spending items, particularly those that we never have a chance to vote on, things that go into conference reports.

The earmark reform legislation that was passed earlier by this body did a lot to address bringing more transparency and accountability to the spending system as bills come to the floor. This is a perfect complement to that, the legislative line item veto, because after bills are considered, after conference reports are dealt with, we often find out that in conference a lot of things get put into those bills that we didn't get a chance to scrutinize. We ought to be able to vote on those things.

Now, how does this work?

And I want to get to the constitutional point in just a moment. Here is exactly how the process is laid out under this constitutional legislative line item veto: number one, after a bill becomes law, the President identifies an item of discretionary spending, direct spending or special interest tax break in legislation that is being signed into law. The President then submits a special message to Congress, no more than five, asking for the rescission of a spending item or items. After receiving this bill or messages, the House and the Senate have a total of 14 legislative days to bring it to the

floor for an up-or-down vote. If the House and Senate pass the President's rescission request, it is sent to the President and becomes law. If either House votes against it, the rescission is not enacted.

This is far different than the earlier legislative line item veto. This is not your father's line item veto. In fact, I agree with the Supreme Court ruling that said that the earlier line item veto was unconstitutional, because that line item veto, among other things, violated the separation of powers. This protects the prerogatives of the legislative branch, specifically, because this: the action is executed by Congress, not the administration. Under the old version the administration made the decision. Line item veto. That is the end of it. If Congress didn't like it, they would have to come up with a two-thirds vote to override that. That is not how this situation works.

Under this system, the President, who already has similar existing rescission authority, sends a rescission request to the Congress, just like he can do today. Only under this situation, we simply add a fast track authority, like we do with a lot of other legislation, like trade legislation, whereby we can't duck the vote by within 14 legislative days the House and the Senate vote on this, up or down. We decide in Congress. We vote to affirm the rescission. If we choose not to pass the rescission, the rescission does not take place. The money is spent. This is constitutional to the point where the gentleman who argued against the line item veto successfully in the Supreme Court in 1998 came to testify in three different committee hearings, Charles Cooper, as to the constitutionality of this, that this does, in fact, protect the prerogatives of the legislative branch; that this is consistent with the bicameralism and presentment clause in the Constitution, and maintains the separation of powers.

Now, we have worked with a lot of parties. We have worked with Democrats, constitutional experts, Republicans, OMB. In fact, this bill has been so bipartisan in the past, similar legislation has been proposed. In 1993, H.R. 1578 received 250 votes, including 174 Democrats. In 1994, H.R. 4600 received 342 votes, an expedited rescission bill, 173 Democrats. Two years ago, Congressman Charles Stenholm and I, a Blue Dog Democrat, brought it to the floor. We got 174 votes for virtually the same legislation, where we got 45 Democrats.

Now, the gentleman from South Carolina, the ranking member, has brought a lot of good points to the table. He is a gentleman who has watched this process for many years and understands this process very, very well. In particular, he brought six items of concern to the committee 3 weeks ago, which I took very, very copious notes of, which I took to heart. And because of that, we have made six big changes to this bill to try and improve this legislation, because I think the gentleman from South Carolina made excellent suggestions.

We limited time on the President's submission of a rescission request. We limited the number of requests. We wrote a ban on duplicative requests so the President couldn't send a request over and over and over and tie us into knots. We shortened the deferral period to the minimum amount necessary. We clarified that existing entitlements are exempt. Not Medicare, not Social Security, not other entitlements. We put a sunset in here so that we can revisit this law in 6 years to make sure that the balance of power is maintained.

Why is this needed, Mr. Speaker?

I think the success of this tool will be judged more in how much wasteful spending doesn't get put into bills and less on how much wasteful spending we take out of bills. Having this deterrence, having this extra layer of accountability will bring the level of sunshine, transparency and accountability to the spending and taxing process in Congress exactly where it is needed the most.

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

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, all this posturing about fiscal responsibility is nothing more than a side show. This legislation is not about fiscal responsibility. Look no further than the Republican estate tax bill this House just passed. Putting us nearly $1 trillion further in debt over the next 15 years for the sake of a few of our country's wealthiest families is evidence enough of where the priorities of the Bush administration and the Republican congressional leadership lie.

In fact, the line item veto has very little to do with budgeting at all. It has everything to do with power, Presidential power. The shift of constitutional power from Congress to the executive branch has greatly accelerated since the 1990s. As congressional scholars Tom Mann and Norm Ornstein observe, the Republican Congress, under the administration of George W. Bush, has featured ''a general obeisance to Presidential initiative, and passivity in the face of Presidential power.''

This bill would tilt the balance of power even further in the direction of the White House. Specific provisions of the bill would give the President inordinate control over the appropriations process. For example, the President could cherry-pick from among a wide range of provisions, authorizations or appropriations, discretionary or mandatory, and package them together in whatever way he saw fit, requiring Congress to vote up or down on the entire package.

This bill would give the White House unprecedented leverage over Congress by allowing the President to condition his support for our priorities on our acquiescence in his priorities. It is for this exact reason that many experts believe this bill would actually increase government spending, not reduce it.

Now, Mr. Speaker, I will take a back seat to no one in targeting bridges to nowhere and other examples of congressional waste. But I also know this: Presidents almost invariably ask for more money than Congress is willing to appropriate. And the profligacy of our current President is well documented.

The line item veto is not about spending versus saving. It is about letting the President, not Congress, decide what we are spending money on.

Mr. Speaker, if the leadership of this House were serious about getting our finances in order, it would never have abandoned the pay-as-you-go rules, which helped produce balanced budgets and even surpluses in the 1990s. And it would reinstate those rules today, as proposed by Mr. SPRATT's substitute.

The Spratt substitute would also have addressed several other key weaknesses of H.R. 4890. But once again, the House leadership has rigged the rules to deny us a vote on it. Instead, we get this fig-leaf bill designed to hide the fiscal sins of this Republican Congress from the American public.

Mr. Speaker, the House of Representatives has three fundamental powers: declaring war, conducting oversight, and the power of the purse. We have already gone a long way to sacrifice the first two to the executive branch. Do we really want to give away the only one we have got left?

I urge my colleagues to oppose this misguided legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the distinguished majority whip, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, today I come to the floor in support of this bill, the Line Item Veto Act, and I applaud Congressman PAUL RYAN for his hard work on this legislation.

The Line Item Veto Act will work to eliminate wasteful spending, safeguard against questionable appropriation decisions, and further protect taxpayers' dollars from waste, fraud and abuse. It becomes another important tool that helps us restrain spending and meets the constitutional test that the line item veto given to the President during the Clinton administration but reversed by the Supreme Court could not meet. It may not be everything that line item veto was, but I think Mr. RYAN has worked hard to make it everything it could be and meet that constitutional standard.

At the same time, it increases transparency in the process, it protects legitimate spending requests that direct funds to carry out important projects that benefit Americans, and it also gives Congress the final word in that important constitutional responsibility that the previous speaker mentioned

was uniquely given to us. We bring someone else into this process in a way that helps. It will make a difference. I think it is more than barely a dent, but even a dent becomes another tool, makes a difference. I think it makes a significant difference.

Mr. RYAN has worked hard. He was given six challenges to the original proposal that he brought to this Congress. He made six significant changes.

I urge my colleagues to join him in passing this bill and giving the President and this Congress the assistance that this and future Congresses need to help us restrain spending in Washington.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I would support the proposal before this House today if there were just one additional provision, and that is something I moved during the Budget Committee last week, to reinstate and add as an amendment to this PAYGO provisions that Mr. SPRATT mentioned early.

PAYGO sounds complex. All it really is if you have a new spending proposal or a new tax cut proposal, the first section is, here is my proposal. The second provision is, here is how it will be paid for.

If we want to truly restore fiscal responsibility to this body, and to our Nation, we need to reinstate PAYGO that expired in 2002.

Over the last 5 years Congress has raised the debt limit four times by $3 trillion; raised the debt limit by $3 trillion in the last 5 years. The most recent was almost $800 billion in March of this year.

Unfortunately, our current fiscal carelessness is going to land squarely on the shoulders of our kids and grandkids. We are putting our children and grandchildren in a hole so deep they may never be able to climb out. Each person in this country now has their share of the national debt at $28,000.

This debt tax, Mr. Speaker, that we are imposing on our children and grandchildren cannot be repealed and can only be reduced if we take responsible steps now. We should and must reinstate PAYGO rules. In fact, former chairman of the Federal Reserve Board Greenspan testified in front of our Budget Committee, as did David Walker, the Comptroller General of our country, in favor of reinstating this rule.

Again, I would support line item veto if we had the addition of PAYGO rules. I think we need to take this measure now, and I urge people to look at this seriously and to reinstate PAYGO.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to say this: as a member of the Appropriations Committee, I am proud that this year the House Appropriations Committee has eliminated 95 different programs and greatly reduced the number of Member projects and earmarks. In each year we receive about 25,000 requests for earmarks. And yet, if there is another tool out there that we can use to scrutinize spending, I don't think any of us should be afraid to do it.

I support the line item veto. I think that the compromise that Mr. RYAN has crafted to get around the questions that we, as a Republican Congress, gave to the Democrat President Clinton administration, I think we should support this for any administration and leave party out of it.

It would give the President of the United States a tool, and it would give a self-imposed threat to this Chamber to make sure that anything that we put in the bill would stand the test of public scrutiny and transparency. If I have put an earmark in the appropriations bill, I ought to be able to defend it, and I ought to be able to defend it not to just any Democrat or Republican on the floor of the House, but to the President of the United States and to the folks back home.

I am not afraid of this. I think this is good fiscal policy. It builds on what the Appropriations Committee has already been doing in terms of eliminating 95 existing programs and bringing down Member earmarks tremendously. So I support this bill, and I hope that everybody else will.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I share my good friend from Wisconsin's commitment to trying to lower the budget deficit.

Mr. SPRATT. Will the gentleman suspend?

I will yield you more time.

I simply want to say to my friend from Georgia, if you want transparency as to earmarks, we offered an amendment. The Rules Committee would not make it in order. Our substitute addresses the issue of earmarks. It reinstates the earmark reforms in the Obey bill which is now languishing in conference.

I yield the gentleman 2 minutes.

Mr. BAIRD. I thank my ranking member.

The gentleman from Wisconsin is well intentioned. We all, I think, recognize the need to reduce the size of this deficit.

□ 1630

But there is an irony here, and the irony is this: The gentleman spoke about the need for transparency and accountability. I absolutely agree. But I would ask my friends on the majority side, if we are talking about transparency, why is it that time after time after time you bring bills before this body, giving us less than 24 hours to read them? Ironically, this bill gives the President 45 days to look at legislation before filing a rescission, and then we have 14 legislative days to act on that. You do not give us 14 hours to read the original bills.

We offered in the Budget Committee a proposal that would give us 72 hours, a mere 3 days, to read thousands of pages, spending hundreds of billions of dollars. It is was ruled out of order. Why is it that in our effort to establish fiscal responsibility we do not take responsibility ourselves, we hand it to the President and say keep us from sinning once again?

We have the authority within this body to review legislation if we would just insist that the Rules Committee pass a 72-hour rule and enforce it, not override it with the appropriately named ''martial law'' rules that they do. Let us require a full two-thirds vote of this institution before any bill is brought to this floor with less than 72 hours to read.

There is a Web site people can refer to, readthebill.org, and you can check this out. It is common sense. The public supports it. If we want to start bringing this House in order, let us bring our House in order, not give the keys to the executive branch, because I fear that the Framers would not have approved that.

I thank the ranking member for his leadership.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I thank Mr. RYAN for his leadership on this issue.

What we are dealing with today is a significant piece to a puzzle. Because it is a puzzle. There is no question that in terms of having greater accountability and having fiscal responsibility, there are a number of steps we need to take as a Congress. And the piece today is talking about opening to the light of day certain earmarks that ought to be open to the light of day. And I would echo the comments of Mr. KINGSTON. If I have an earmark, I ought to be willing to put it up for an up-or-down vote. Everybody in this Congress has requested earmarks, and everyone should be comfortable defending those earmarks. And this is all about shedding the light of day on that process. And it will result, even without having a rescission, it is going to result in Members of Congress being a little more careful and being a little more substantive in the proposals they make, and it is going to make this body more accountable.

So with that in mind, I encourage my colleagues in a bipartisan way to embrace this work and to continue the work after this bill because, as I said, there are a number of steps we can take to encourage accountability and encourage greater fiscal responsibility. But this is an important piece and important step in pursuing that goal.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding.

I rise today in opposition to this bill, which threatens the ability of the Agriculture Committee to develop farm policy that addresses the new challenges that face American agriculture.

For 16 years I have represented a rural district in Congress, and during that time I have served on the Agriculture Committee, helping to write the last three farm bills. Those of us who serve on the Agriculture Committee have spent a lot of time learning about and talking to those involved in American agriculture. We have a responsibility to develop farm policy that is fiscally responsible and that keeps our farmers competitive and strong.

As the Agriculture Committee begins the process of writing the next farm bill, we will try to address the many emerging challenges that face American producers. As we consider priorities for agriculture, any new investments in bioenergy, conservation, specialty crops, and other programs, the farm bill will face yet a new hurdle. The farm bill has always had an uphill battle. As our country moves away from its agriculture roots, we must constantly reach out to our urban and suburban colleagues. Now we would face the real possibility that the President would veto the spending priorities that we set with input from all of agriculture, and, in my opinion, this could threaten the very delicate balance that we must maintain in the committee.

If we pass this bill and allow the President to cancel any new direct spending item, we will gut the Agriculture Committee's ability to create farm policy that addresses the new and changing world that our producers face.

In closing, I want to remind my colleagues that in 1993, when Democrats controlled the Congress and the Presidency, we reduced spending $192 billion over 5 years. Why is it that the Republicans can only hand us more deficit spending and a spiraling debt? This Line Item Veto Act is an admission, in my opinion, of the inability on the other side to control spending.

This bill fails to recognize what we should be doing: working together in Congress and with the White House to set priorities and to spend the taxpayers' money responsibly.

Mr. RYAN of Wisconsin. Mr. Speaker, I think the gentleman from Minnesota will be happy to know that under the way this bill works, you cannot go after mandatory programs in the farm bill that already exist. So you cannot go back and take a commodity program out.

Mr. Speaker, I yield 2 minutes to the distinguished Member from Florida (Mr. CRENSHAW), a member of the Budget Committee.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his hard work, working on this legislation.

I am proud to be a cosponsor of this and rise to ask my colleagues to vote in favor of this.

I cannot help but be a little bit amused when I hear some of the opponents stand up and say that they kind of think this gives too much power to the President. It is like some brand new secret idea that the Republicans dreamed up to give a Republican President more power than he ought to have.

I just want to remind everyone this is not a brand new idea. It has been around a good while. People have pointed out that 43 governors in the States around the country have the same or similar kind of power, that we passed legislation like this through the Congress before. In fact, people have said they like it, both Democrats and Republicans.

Let me read you what one of the strongest supporters of this legislation, this line item veto, said. He said: ''The fresh air of public accountability will glow through the Federal budget. This law gives the President tools to cut wasteful spending, and even more important, it empowers our citizens, for the exercise of this veto or even the possibility of its exercise will throw a spotlight of public scrutiny onto the darkest corners of the Federal budget.''

Do you know who said that? President Clinton said that when he signed similar legislation in 1996.

I could not say it any better. I just urge my colleagues to add this tool to our arsenal. If you are serious about getting a handle on controlling spending, you will vote in favor of this.

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

Mr. KIND. Mr. Speaker, I thank my good friend for yielding me this time, but also for the substitute that he was hoping to offer here today so we could have a legitimate and honest debate about the direction we need to go for fiscal responsibility in the House. Unfortunately, because of the way the rules are structured, we are prohibited from offering any amendments or this gentleman's substitute, which I think has a lot of merit.

I can understand that people with good intent, and there are many in this Chamber, can support a piece of legislation. Philosophically I agree that we need to get at the heart of earmark reform. We need to move forward on earmark reform as this session progresses because this legislation alone will not deal with the issue. And I could support a piece of legislation like that if I thought there was the institutional will here in Congress and also down on Pennsylvania Avenue to finally get serious about fiscal responsibility.

But the facts are what they are, that under the Republican leadership over the last 6 years, we have had the largest and quickest increase in national debt in our Nation's history, that this President is the first President since Thomas Jefferson who has refused to veto one spending bill during his entire administration. He is not even using the rescission powers that are already granted to him that this legislation now is meant to expedite, and that is unfortunate.

But the real issue, if we are going to get serious about getting back on fiscal track as a Nation, is we have got to go to what has proven to work. And what worked in the 1990s was something very simple called pay-as-you-go. It required tough budgeting decisions on both the spending and the revenue sides that led to 4 years of budget surpluses where we were paying down the national debt rather than increasing the debt burden for our children and grandchildren and, even more importantly, becoming more dependent on foreign countries such as China to be financing our deficits today.

I am one of the institutionalists around here who feel that we have ceded too much power, too much control, too much authority to this administration or future administrations. And if anyone in this Chamber wants to stand up and claim that we are a coequal branch of government today, they are fooling themselves. This legislation will make it even worse.

Mr. RYAN of Wisconsin. Mr. Speaker, given that my friend from Wisconsin voted for virtually the same bill 2 years ago when Charlie Stenholm and I had it on the floor, I hope we can count on his support again.

Mr. Speaker, at this time I yield 1½ minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I thank Congressman RYAN and Ranking Member SPRATT.

I am a cosponsor of this legislation because my belief and my experience show me that this is an effective tool to restoring accountability in our government. Mr. Speaker, this legislation is a good starting point to begin the process of eliminating wasteful spending in government.

This bill gives the President the latitude to recommend that appropriations, direct spending, or tax breaks be cut. These items are commonsense in nature and cross party lines. A spending item is as eligible for cancellation as a tax break. The items that are eligible for cancellation or rescission send a clear message to our constituents that we are serious about government accountability.

Common misperception holds that the President has the final say on items that he wishes to eliminate, but this is not correct. Under this legislation Congress has the final say. The President can recommend, but it is up to Congress to vote up or down on his particular cuts. Congress retains the power to say ''no.'' There is no threat to our constitutional powers of the purse.

To address the concerns that the line item veto is a political tool, I urge my colleagues to keep in mind that neither party has a monopoly on the executive

branch. While the President is of one party today, this can certainly change tomorrow.

I urge my colleagues to vote for this bill that helps restore accountability in Washington and restores the faith of our constituents.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

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

Mr. Speaker, this bill has nothing to do with fiscal responsibility. If we were interested in fiscal responsibility, we would not have passed the tax bill just a few minutes ago that adds, over the course of just a few years, trillions of dollars in new deficits without any way to pay for it.

Mr. Speaker, 5 years ago we had a $5.5 trillion 10-year surplus. Now those 10 years look like they are going to come in at about a $3.5 trillion deficit, a $9 trillion reversal. If this bill had been in effect during those years and the President had used his new powers the way we might hope, we might have saved a few hundred thousand dollars, a few million, maybe even a few billion, but that is negligible compared to the $9 trillion reversal. And that is if the President used the new power in a fiscally responsible manner. Nothing in the bill prevents the President from using his new powers to coerce even more irresponsibility, such as using it as a hammer to coerce Members to support new tax cuts without paying for them.

Finally, Mr. Speaker, on the tax provisions, the bill only allows the President to veto teeny weeny, little targeted tax cuts, but does not allow him to veto huge, gargantuan, irresponsible, unpaid-for tax cuts.

Mr. Speaker, this path to fiscal responsibility is paved with hard choices. This ineffective gimmick is not one of them. We should reject the bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 20 seconds to answer what the gentleman mentioned on tax cuts.

The reason we go after tax rifle shots is we do not want to give the President the power of setting policy that Congress has. We are going after pork, tax pork, spending pork, not tax policy. That would be to abrogate our responsibility of setting policy to the executive branch, and we do not want to do that. That is why the bill was written as it is today.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Wisconsin for what he has done and for yielding.

Mr. Speaker, I would just like to add this as my own personal perspective. I was a State legislator and lieutenant governor and I was a governor. So I had this both used in a situation in which I was worried about it, in a situation in which I used it, and then I came to Congress and I actually introduced legislation on this early on and later was a cosponsor of that legislation which became law and was later overruled by the Supreme Court.

I have heard a lot of arguments today, and I have listened to this both in the rule debate and here pretty intently. And there were discussions like, oh, we are taking away revenue at the same time we are trying to do this, how can this be fiscally responsible?

This is not all that big a deal. The bottom line is it is another measure which will help us move in the direction of transparency, which will help us move in the direction of perhaps balancing the budget. This itself will never balance the budget. It is too small an item as far as that is concerned. It is similar to a rainy day fund. It is similar to earmark reform or a sunset provision or a variety of other budgetary process matters that I think that we should take up in an effort as Republicans and Democrats to do this.

□ 1645

This particular President, if people are concerned about that, will only be President 2½ more years. At some point we will have a different makeup of the Congress, a different makeup of the Presidency, and hopefully this will be around for 100 years.

But it is a very significant budgetary tool. The reason it is significant, Mr. Speaker, is because it makes people get together and talk about this, and people are very reluctant to proceed with something that may put in the light of day that which they may not want to see in the light of day. So you see a lot of restrictions.

It brings the executive branch and the legislative branch together in terms of planning where we are going to go as far as budgets are concerned. Unfortunately, that is not happening enough today. I think we are all concerned about budget deficits, we are all concerned about a lot of the problems which exist out there, and I think we need to work together to get this done.

So in my mind, adopting this is relatively simple. It is something we should be doing; it is something I would hope 100 percent of this Congress would support. I urge everyone to support it.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume to address an issue that Mr. RYAN spoke to just a moment ago.

This bill does apply to new direct spending items. Now, there could be some disagreement over what that means, but direct spending is mandatory spending, it is entitlement spending, and under that broad rubric falls Medicare, Medicaid, Social Security and veterans benefits.

The reason we are very concerned about broadening the reach to include mandatory programs like that is that these are programs people depend upon; and what this bill essentially does is create a fast track, a 30-day turnaround. The President sends a bill here, we can't amend it in committee, we can't amend it on the floor, we only have an up-or-down vote, we have a limited amount of time for debate. It is a fast track with no substantive input from Congress, and I would hate to see us make an ill-advised change in Social Security or Medicare simply because it got wrapped up with other spending issues and was pushed through here on such a small fast track that we didn't realize the consequences until we woke up a month or two later.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, in the end, there are only three essential powers that make the Congress the greatest legislative body in the history of the world. The first is the power to investigate; the second is the power to declare war; and the third is the power of the purse.

This Congress has already supinely given away most of its ability to declare war. It ceded that largely to the President.

This Congress has also engaged in a pitiful amount of oversight and investigation over the past 5 years.

The only remaining power that Congress has is the power of the purse. If Members of this body want to diminish that power and further weaken the ability of the legislative body to do its job, then, by all means, vote for this underlying bill. If you think it wouldn't be a good idea to do that, then you ought to vote against it.

Can you imagine what a President like LBJ would have done with these powers to someone like Gaylord Nelson, from my own State, one of the three people who cast a vote against the original appropriation for Vietnam? LBJ would have put his arm around Gaylord's shoulder and he would have said, Gaylord, if you can't see your way through to be with me on the war, you are going to lose an awful lot of things you care about in that budget. I will make your life miserable. I will send down rescissions again and again and again, on the wilderness, on you name it.

I believe that the most pernicious aspect of this proposal is that it will further gut the ability of Congress to review a President's foreign policy initiatives in an independent fashion. God knows we have already failed in our responsibilities with respect to keeping us out of the dumbest war since the War of 1812, in Iraq, and this ill-advised proposition will simply make those matters worse.

I would urge an ''aye'' vote for the Spratt substitute and a ''no'' vote on the underlying bill.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time I would like to respond to something that the gentleman from South Carolina said. He said under this bill we could go after mandatory programs like Social Security, Medicare, veterans benefits.

Let me be very clear: you cannot with this program go after Social Security, Medicare and veterans benefits as we know it today. We are saying new programs. Why do we say it that way? Why new direct spending programs?

There are 5,000-plus earmarks in the transportation bill just this last year. Why should that be taken off the table? If you did that, then the Bridge to Nowhere would be exempt from the line item veto. I think most people who know this stuff think the Bridge to Nowhere ought to be one of the things that the President would want to go after under the line item veto.

We are talking about new programs, not the existing entitlement programs that we have come to know and enjoy for many of our constituents.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding, and I rise with great respect for my friends on my side of the aisle when it comes to this proposal today.

I took an interest in this starting 2 years ago when it seemed to me we needed some additional tools to bring these budget deficits under control. We have gone from surpluses to enormous deficits, and from reducing our national debt to increasing the debt tax on our children; and it is my opinion that this bill will help us begin to bring our budget back into balance.

As has been mentioned here, it follows the approach of our former colleague Charlie Stenholm, and it also mirrors what 43 Governors have, as our friend Congressman CASTLE mentioned earlier today. It also mirrors a bill that I introduced in the last Congress as well.

So, in sum, this will promote accountability. It will promote transparency. It is a small start. I believe that it balances the constitutional responsibilities between the President and the Congress; and perhaps if we pass this today, then we create some momentum so that we move toward putting PAYGO back in place and reining in the earmark situation that we now face in this Congress that in part has led us to these enormous deficits.

So let's pass this. Let's work together. Let's find a way to balance the budget and not pass on the debt tax to our children.

I thank the gentleman for yielding, and, again, I rise in support of this important piece of legislation.

Mr. Speaker, over the last 5 years we've seen a dramatic change in the Federal budget—a change for the worse.

We've gone from budget surpluses to big deficits, and from reducing the national debt to increasing the "debt tax" on our children.

There's no mystery about how this happened.

Partly, it was caused by a recession.

Partly, it was caused by the increased spending needed for national defense, homeland security, and fighting terrorism.

And in part it was caused by excessive and unbalanced tax cuts the president pushed for and Congress passed.

This bill does not directly address those major causes of our budgetary problems.

Fixing them will take long-term work on several fronts, including taxes.

And it will take stronger medicine than this—such as restoring the "PAYGO" rules that helped bring the budget into balance in the past.

That's why I thought the House should have been able to at least debate a stronger version of this bill, in the form of the substitute proposed by the gentleman from South Carolina, Mr. SPRATT.

And that's why I voted against the Republican leadership's restrictive rule that prevents even debating that substitute.

But, even so, I support this bill because it can help, at least a little, to promote transparency and accountability about spending items and tax breaks.

We have heard a lot of talk about spending "earmarks"—meaning spending based on proposals by Members of Congress instead of the Administration.

Some people are opposed to all earmarks—but I am not one of them.

I think Members of Congress know the needs of their communities, and I think Congress as a whole has the responsibility to decide how tax dollars are spent.

And earmarks can help fund nonprofits and other private-sector groups to do jobs that Federal agencies are not able to do as well.

In short, not all earmarks are bad.

In fact, I have sought earmarks for various items that have benefited Coloradans—and I intend to keep on doing that.

And a similar case can be made for targeted tax breaks, as well.

Still, we all know some bills have included spending earmarks or special tax breaks that might not have been approved if they were considered separately.

That's why the President—like his predecessors—has asked for the kind of "line-item veto" that can be used by Governors in Colorado and several other States.

And that's why about 10 years ago Congress actually passed a law intended to give President Clinton that kind of authority.

But the Supreme Court ruled in 1998 that the legislation was unconstitutional.

And I think the Court got it right.

I think trying to allow the President to in effect repeal a part of a law he has already signed—and saying it takes a two-thirds vote in both Houses of Congress to restore that part—went too far.

I think that kind of line-item veto would undermine the checks and balances between the Executive and Legislative branches of the government.

So, I could not support that kind of line-item veto.

But this bill is different.

It is a practical, effective—and, best of all, Constitutional—version of a line-item veto.

It is not unprecedented. It follows the approach of legislation passed by the House of Representatives several times during the Clinton administration under the leadership of our former colleague Charlie Stenholm and others, including Tom Carper, Tim Penny and John Kasich.

It also is similar to bills I introduced under the heading of measures to "Stimulate Leadership in Cutting Expenditures," or "SLICE."

Under this bill—as under SLICE—the President could identify specific spending items he thinks should be cut—and Congress would have to vote, up or down, on whether to cut each of them.

Current law says the President can ask Congress to rescind—that is, cancel—spending items. But Congress can ignore those requests, and often has done so.

This bill would change that.

It says if the President proposes a specific cut, Congress can't duck—it would have to vote on it, and if a majority approved the cut, that would be that.

So, it would give the President a bright spotlight of publicity he could focus on earmarks or special tax breaks, and it would force Congress to debate those items on their merits.

That would give the President a powerful tool—but it also would retain the balance between the Executive and Legislative branches.

I think that is very important, and I appreciate having had the opportunity to work with Mr. RYAN and others to fine-tune the bill while it was being considered in committee. I think the result has been to improve the bill considerably.

Mr. Speaker, under the Constitution Congress is primarily accountable to the American people for how their tax dollars are spent.

By making the taxing and spending processes more transparent and specific, this bill can promote that accountability.

Of course, without knowing what the President might propose to rescind, I don't know if I would support some, all, or any of his proposals.

But I do know that people in Colorado and across the country think there should be greater transparency about our decisions on taxing and spending.

And I know that they are also demanding that we be ready to take responsibility for those decisions.

This bill will promote both transparency and accountability, and so I urge its approval.

Mr. SPRATT. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, for 5½ years now the Republican Congress and the administration have pursued what I have said repeatedly is the most reckless fiscal policy in the history of our Nation. I believe that.

When George Bush took office, he inherited a projected 10-year budget surplus of $5.6 trillion. There is no dispute on that. George Bush said that on the floor of this House. In March of 2001, he promised the American people, "We can proceed with tax relief without fear of budget deficits, even if the economy softens."

Let's compare Republican rhetoric with reality. That projected deficit surplus has been turned into a projected budget deficit of some $4 trillion, a historical fiscal turnaround of more than $9 trillion.

Republicans have created the four largest budget deficits in American history. We Democrats have no power in this House or in the Senate or in the Presidency. It has been Republicans alone that have created these deficits.

They have raised the debt limit four times, and House Republicans have voted to increase it by an additional $653 billion, to a total of $9.6 trillion. Let me repeat: we had a $5.6 trillion surplus in January of 2001, according to President Bush; we now have an authorized debt of $9.6 trillion.

They have spent every single nickel of Social Security money. It is no wonder that former Republican House majority leader Dick Armey of Texas told the Wall Street Journal in 2004, ''I'm sitting here, and I'm upset about the deficit, and I'm upset about spending. There's no way I can pin that on the Democrats. Republicans own the town now.''

Given their record, I think it takes some audacity, chutzpah perhaps would be a better word, for our Republican friends to come to this floor today with this so-called Legislative Line Item Veto Act and bemoan the growth in Federal spending and the dire fiscal condition, created by whom? Created by them. Republicans, after all, own the town, as I said Dick Armey noted.

Yet the President has failed to veto one bill. We are talking about a line item veto? This President has not vetoed a bill. This President has gone a longer period of time than any President in over 195 years in this Nation and he hasn't vetoed anything. All of the spending has been marked ''approved'' by George W. Bush, the President of the United States. He doesn't exercise vetoes.

This Republican majority refuses to embrace the one real method of restraining spending and restoring fiscal discipline, the pay-as-you-go budget rules that applied to both spending and taxes and were adopted, I tell my Republican friends, in bipartisan votes in 1990 and again in 1997.

But you jettisoned them. Why did you jettison them? You jettisoned those rules because you knew you couldn't fit your tax cuts into them. You didn't have the courage to cut spending to meet your tax cuts. That is a fair policy. If you don't want to spend, fine. If you want to cut taxes, fine. Cut spending. That is a fair policy. You haven't done that.

You cut revenues, and you increased very substantially revenues, period. And don't talk to me about the war. You included spending very radically on entitlement programs, the biggest increase in entitlement spending since 1965 on your watch, with very little help from Democrats, who overwhelmingly voted against those increases.

As the New York Times stated on Monday: ''The line item veto bill is an attempt to look tough while avoiding the tried-and-true, and truly tough, deficit fix: reinstating the original pay-as-you-go rules.''

Mr. Speaker, this bill is very different from versions introduced in the 1990s. It not only fails to include PAYGO rules, but also applies to mandatory programs, including Medicare and Social Security. It gives the President 45 days to send a rescission message and fails to give Congress the power to amend the rescission package.

We are the policymakers. Article I. This Congress is the most complacent, complicit Congress perhaps in history in terms of being a lap dog for the President of the United States. We are a coequal branch. We are not a branch to ask leave of the President to take action.

The majority, unfortunately, refused to allow us to consider the substitute JOHN SPRATT wanted to offer. Don't you have the courage to argue the merits of your case and let us argue the merits of our case and have a vote? Are you so afraid of the alternatives that you won't even allow the vote?

We ought to vote this down. It is a ruse, it is a fraud, it is a sham.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Texas, I would simply like to point out I think the gentleman from Maryland said we need to cut more spending. I agree. That is why we should pass this. In fact, the gentleman from Maryland voted for similar legislation that I offered with Charlie Stenholm 2 years ago and two expedited rescission bills that the gentleman from South Carolina authored in the past. So I hope we can enjoy your support this time around.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, first I want to congratulate the gentleman from Wisconsin for his principled leadership in the area of the budget and to bring the line item veto back to the House. But watching this debate, Mr. Speaker, I find it both sad and amusing to see how many Democrats who have supported line item veto in the past now oppose it. In trying to justify their new-found opposition, we are now witnessing acrobatics and contortions that we haven't seen since the circus came to town.

□ 1700

The line item veto has been supported by such Democrats as President Bill Clinton, Vice President Al Gore, Senator JOHN KERRY. The last time it was enacted in this body and became law over two-thirds of the Democrats voted for it.

But, Mr. Speaker, it is now an election year. The Democrat leadership again says no. But no is not an agenda; no is not a vision. And by saying no to the legislative line item veto, Democrats are saying yes to more wasteful spending.

Mr. Speaker, we know that almost every Governor in America already has some form of the line item veto to help combat wasteful spending. It brings transparency and accountability into a process that sorely needs it.

Now, this bill before us is frankly a very simple one. It allows the President to highlight examples of wasteful spending, submit them to Congress on an expedited basis, and have Congress vote on it. That is all it does. Nothing more, nothing less. But what is really important, Mr. Speaker, is that the savings, the resulting savings can only go for deficit reduction. Mr. Speaker, Democrats can't have it both ways. They can't oppose the legislative line item veto and then claim to be for deficit reduction. It cannot be done.

Now, we have just been lectured about the issue of fiscal responsibility from the gentleman from Maryland, but let us examine the record of the Democrats. For the last 10 years, every time the Republicans offer a budget, our friends from the other side of the aisle offer a budget that spends even more money. They criticize our prescription drug program, yet theirs cost even more. And thanks to their stonewalling, we were not able to reform and save Social Security for future generations. Instead, there is an extra $2.5 trillion of unfunded obligations thanks to their stonewalling. That is what their record is.

Mr. Speaker, if you want to help end the railroads to nowhere, the hydroponic tomatoes, the indoor rainforest, say ''yes'' to the line item veto, say ''yes'' to our children's fiscal future, and let us vote for this legislation.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN).

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. This Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself. They are putty, look at this putty in my hand, and the President squeezed them into doing anything that he wants even if their constituents don't agree. That is why 77 percent of the public thinks this Congress is out of touch with their priorities and why 70 percent of the American public thinks President Bush is doing a terrible job.

Let me be clear. I did not vote to give President Clinton a line item veto. I certainly would not vote to give it to this President who, like no other President in the history of this country, tramples over the rights of Congress and the rights of American people, and still to this day shows nothing but contempt for the House of Representatives.

This President has spent over $450 billion on a war of choice that was based on lies.

The President turned a $5.6 trillion dollar surplus into a $3.2 trillion dollar deficit. And this is who is supposed to stop the rampant spending of this Republican-led Congress. This is a joke, and everyone here knows it.

Vote no on this bill, and let the people's House get back to doing the work that the people actually want us to do.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to

yield 2 minutes to the gentleman from the Appropriations Committee from Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman from Wisconsin, my next-door neighbor to the north, for this important legislation. It is a commonsense way that budget-conscious Republicans and Democrats can come together to cut spending.

Now, this legislation is needed, because the line item veto has been used by American States since 1861 to balance their budgets, and over 40 Governors, Republicans and Democrats, have this spending control.

Now, we in Congress joined with President Clinton to enact a line item veto in the 1990s, and he used that veto 82 times to defend the taxpayer. Unfortunately, the Supreme Court struck that needed reform down. And when they did, President Clinton called that a defeat for America.

The bill before the House now is modeled after the bipartisan base closings legislation that has been used to cut hundreds of millions of wasteful spending in the military by closing down bases that the Secretary of Defense and our commanders say that they do not need.

For us at this time, I think the government spends too much, that this is a needed reform tried and true for over 120 years by our Governors to keep balanced budgets and one that we need in this Congress.

We should all be worried, in the history of democracies, that while it is the best form of government on the planet, there is a troubled record of democracies spending their way into dictatorship. This needed reform helps us control spending to make sure that the American people keep their freedom, that the democracy that they live under is responsible with the taxpayer dollars, and that we do not waste those precious resources on unneeded projects. That is why we should support this. That is why this should be bipartisan. President Clinton was right to have this power. Forty Governors are right, and it should be adopted by this House.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for the recognition. I appreciate the opportunity to speak on behalf of this legislation. I also appreciate his hard work in bringing this to the floor.

I would like to make a couple of points. One, it seems the bit twisted logic for the folks on the other side to argue that the President shouldn't have these authorities that are presented in this bill, but yet at the same time gripe that he hasn't used the veto it already has, it doesn't seem to me you can have it both ways.

I am in favor of this legislation because it does apply to all spending, both discretionary and direct, and it gives the President an opportunity to help us help ourselves in this regard.

A third point is that these savings actually will reduce the deficit. Unlike many of the opportunities that we take to try to reduce appropriations bills where that money simply stays within that pot of money and ultimately gets spent, this money would actually not get spent and therefore have a direct impact on the deficit.

The last point is that, with these powers, I can assure you that would act as a self-limiting deterrent to frivolous earmarks that might be proposed. None of us are going to want to be on the President's top 10 list when with this power he lists out the five projects in a single bill or the 10 projects in an omnibus bill. That is a distinction and a recognition that no one is going to want to have. So I think my colleagues would be much more diligent in their requests for special spending that this would address. So I rise today in favor of H.R. 4890 and urge my colleagues to vote for it.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman is recognized for 3 minutes.

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

Mr. SPRATT. Mr. Speaker, this could be a bipartisan bill. The gentleman from Wisconsin (Mr. RYAN) has taken the bill that the President sent us, which is a classic case of overreaching, and improved it very much and I commend him for that. But it is not good enough; it is not worthy of passage, in my opinion. If it really was to be a bipartisan bill, if that is what you wanted, why did I get shut out in the Rules Committee?

I came forward with two substitutes, one germane, one nongermane, with various individual amendments, all of them serious substantive things. Sure, we could disagree about them, but I didn't get to the opportunity under the Rules Committee's provision to come here and offer those on the floor of the House.

I think in wrapping up, it is worth showing these charts to everybody again to show the path we are on, which is this path right here: a deficit this year of $300 billion to $350 billion, more than $400 billion last year; intractable, structural deficits. And, as you will see from the costs plotted by CBO, the numbers only get worse here that show the deficit sinking to almost $500 billion in 10 years.

The consequence of that? First of all, the debt ceiling, the legal limit to which we can borrow, we have seen an increase in the debt ceiling in the United States since President Bush came to office under your watch of $3.668 trillion. That is the increase in 5 fiscal years of the debt ceiling of the United States. And the total indebtedness of the United States is shown right here. The statutory debt was $5.9 trillion when President Bush took office. If we continue on the track that we are on now with his budgets, we can expect to have a debt of nearly $11.3 trillion by the year 2011. That is where we are going.

It is hard to avoid the suspicion that this bill today is sort of a diversionary tactic because, by everybody's admission, even its more ardent proponents, this won't even put a dent in the deficit. As I said, we just adopted a bill which could have an impact on revenues over 10 years, when fully implemented, of $823 billion. This will barely, barely amount to a dent in the budget, a deficit addition of that kind.

Now, the gentleman said that I have engaged in acrobatics, as if I weren't serious and sincere about the amendments I am proposing. But I have a problem with giving the President 45 days to pick through appropriation bills, because the wider the window, the more apt he will be to use it for political purposes. I have a problem with having the President send up five bills for every appropriation bill. There are 11 appropriation bills. We could have as many as 55 rescission bills here on the House floor, and then I am sure, as we take up these bills on Christmas Eve, you will be having Members ask: Who came up with these ideas?

I have a problem with direct spending that is reaching too far. If this is an experiment to start with, why not stick to discretionary spending? None of the previous bills have included that.

So for all of these reasons, this could be a much better bill. And I would offer on a motion to recommit my only opportunity a substantial improvement to the bill, and I hope every Member will seriously consider it and will also vote for it.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 4½ minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to address a few of the concerns that have been mentioned by the other side of the aisle.

First of all, this is a bipartisan bill. If you paid attention, a number of the speakers came to the floor from the other side of the well to speak in favor of this. Actually, three Democrats came to the floor in favor of this bill that we are considering right now, three Democrats I am proud to call friends and supporters and coauthors of this proposal. In fact, we took an amendment of Mr. CUELLAR of Texas to improve this bill.

Other speakers have said this gives too much power to the President. Well, let us just remember one thing: the President already has rescission authority today. Today, the President can rescind something, defer spending, and send it to Congress. Here is the problem: Congress just ignores these things. In fact, President Reagan sent $25 billion of rescissions to Congress, and they ignored every one of them.

So we want to make that process work. We are taking the existing authority he has, making it actually shorter in time frame, and we are simply guaranteeing that we are going to vote on it.

I think, if somebody sticks a wasteful pork barrel project like a $50 million rainforest museum from Iowa, a bridge to nowhere, or something like that in a bill in a conference report where we as Members of Congress have one choice, vote ''yes'' or ''no'' on the entire bill, then the President has a similar choice: sign or veto the entire bill.

That is wrong. We ought to be able to vote on that $50 million rainforest museum. This gives us the chance to do that, and this means that we can't duck those votes.

This is a bipartisan bill. It has been so bipartisan in the past that Mr. SPRATT has offered very similar legislation. We got 173 Democrats on one of them, 174 on another. Mr. Stenholm and I offered a bill very similar to this 2 years ago; we got 45 Democrats on it. I hope that we will continue to get this bipartisan support that we had been getting.

But more importantly, Mr. Speaker, the American people know we need every tool we can get our hands on to go after wasteful spending. That is why taxpayer watchdog groups are key on voting this bill. The American Conservative Union, the Americans for Prosperity, Americans for Tax Reform, Citizens Against Government Waste, the Club For Growth, Freedom Works, National Federation of Independent Businesses, National Taxpayer Union, Taxpayers for Common Sense, the U.S. Chamber of Commerce all are key voting this vote as a key vote for the taxpayer. Other groups supporting this: ALEC, the American Taxpayer Alliance, Bond Market Association, Business Roundtable, Center for Individual Freedom, Concord Coalition, Association of Wholesale Distributors, National Restaurant Association, 60 Plus, Traditional Values. The list goes on and on.

Mr. Speaker, the American people know we need this tool to go after wasteful spending, taxpayers need this tool so we can do this, and, more importantly, we need more transparency in our process here in Congress.

We passed earmark reform so that Members of Congress have to defend their earmarks when they come to the floor of the House when we write these bills in the beginning. But a lot of this stuff gets inserted at the end of the process in the conference reports; that is why we need to have this deterrent.

I think the success of this bill will be less in how much pork we get out of legislation that we line item veto out, and more in how much pork never gets put into legislation in the first place, because there will be an extra deterrent. A Member of Congress who wants to slip in some big piece of pork barrel spending that he probably couldn't otherwise justify will think twice, because he or she may have to come to the well of the House and the well of the other body to defend that pork barrel spending.

□ 1715

This is good government. This is transparency. This is an added layer of accountability that is right for the taxpayer, and it is constitutional. It protects the prerogatives of the legislative branch. That is why I think this is a good bill. That is why I am pleased to call this a bipartisan bill. That is why I think we should strike this vote for the taxpayer.

With that, Mr. Speaker, I urge a ''aye'' vote for this.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I oppose this bill because the legislative line-item veto it seeks to create is merely a gimmick to divert attention from the majority's pitiful record when it comes to fiscal management. In addition, and even more important, this so-called line item veto represents a dangerous, and in my view unconstitutional, transfer of power from the legislative branch to the Chief Executive.

Mr. Speaker, while H.R. 4890 seeks to address an important problem—the massive deficits run up by the majority and the majority's squandering of the $5 trillion projected surplus bequeathed it and the administration by the Clinton administration—their ''solution'' to the problem resorts to legislative gimmicks instead of tackling the problem directly.

Since one-party control of the government began in 2001, Federal spending has ballooned 42 percent; an increase of over $830 billion a year, reflecting the budgets that President Bush has submitted to Congress. During that time, the President has not vetoed a single piece of legislation. In fact, President Bush has used the veto less than any President in the past 175 years.

Yet while the proposed line-item authority would give a big new stick to the executive branch, it would do little to bring fiscal sanity back to the appropriations process. Indeed, it might actually have the opposite effect of encouraging these special-interest handouts. Conservative columnist George Will observes that the President may simply use the authority as a form of legislative horse-trading, suggesting that the administration could ''buy legislators'' support on other large matters in exchange for not vetoing the legislators' favorite small items.''

Both the Congressional Budget Office and the Congressional Research Service have reached similar conclusions. Indeed, it seems the President's version of the line-item veto is more about transferring power to the executive branch than actually reigning in Federal spending.

That power transfer has already once been found unconstitutional by the Supreme Court. The majority decided that ''the President's role in the legislative process can be altered only through the cumbersome process of amending the Constitution,'' and there is no reason to believe that this attempt will be met any more favorably. In fact, the House bill actually gives the executive branch more power than the previous act, allowing the President up to 45 days to exercise the authority (instead of the previous act's five) and 90 days to withhold funds even after Congress has overridden his veto.

If Congress really wants to get a handle on spending, it should reform the earmarking process, instead of resorting to legislative gimmicks. The President could also do the unthinkable—bring out the old-fashioned veto stamp for the first time in 5 years.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the H.R. 4890 legislation giving the President Line Item Veto authority.

As a cosponsor of H.R. 4890, the Legislative Line Item Veto Act of 2006, I believe it will provide more transparency and scrutiny in the funding process while reining in Federal spending. Currently, when Congress considers appropriations legislation we have the authority to closely scrutinize funding earmarks recommended by the President before deciding whether or not to fund them. The Line Item Veto legislation gives the President an opportunity to closely examine Congressional spending priorities and submit a proposal to Congress that would defund those items the President finds objectionable. The proposals by the President would be unamendable and would be subject to a simple up or down vote in the House and Senate.

While we have been working to restrain Federal spending, including voting to terminate over 95 Federal programs this year alone, this will be one more tool in the arsenal of fiscal discipline. It has the added benefit of keeping objectionable spending out of these bills in the first place as all Members of Congress would know that last minute items added to these bills will be subject to individual scrutiny through the Line Item Veto.

In 1996, Congress passed the Line Item Veto Act of 1996. This law allowed the President to veto specific spending provisions. However, on April 10, 1997, a Federal court ruled that this legislation was unconstitutional, arguing that the power of the purse must be under the control of Congress, not the President. I voted for this law because it granted the President the authority to strike funding while ensuring that Congress could override the President's line item veto with a ⅔ vote. The Supreme Court, however, ruled that this did not leave spending decisions ultimately in the hands of Congress and struck down the law. Today's bill addresses this concern while ensuring Congress has the final say on the President's line item veto recommendations by means of a simple majority vote in the House and Senate.

It is my understanding that many Democrats are going to play politics this year, and not vote for passage of the Line Item Veto. What is particularly noteworthy is that in the 103rd Congress over 170 House Democrats voted for the line item veto.

I urge a ''yes'' vote on this legislation.

Ms. CORRINE BROWN of Florida. Mr. Speaker, this Republican Congress has now gone beyond being a rubber stamp for President Bush and is now handing him the responsibilities of Congress itself.

They are putty in the President's hands, and he squeezes them into doing anything he wants, even if their constituents don't agree.

This is why 77 percent of the American Public thinks this Congress is out of touch with their priorities, and why 70 percent of the American public thinks President Bush is doing a terrible job.

Now I didn't vote to give President Clinton a line-item veto, so I'm certainly not going to give it to the President who, more than any

other president in history, has trampled over the rights of Congress and the rights of the American people, and still today shows nothing but contempt for the will of the House and Senate.

This President has spent $450 Billion dollars on a war in Iraq based on lies, and turned a $5.6 Trillion dollar surplus into a $3.2 Trillion dollar deficit, and this is who is supposed to stop the rampant spending of this Republican led Congress. This is a joke, and everyone here knows it.

Vote ''no'' on this bill, and let the people's House get back to doing the work that the people actually want us to do.

Mr. CANTOR. Mr. Speaker, I rise in support of the Legislative Line Item Veto Act. This bill will give Congress and the President a powerful tool to restore fiscal sanity to Washington. This bill is an important step toward reforming the Budget Act of 1974, which stripped the President of impoundment authority—effectively hobbling a vital check on the system to limit wasteful spending. Presidents Jefferson through Nixon used impoundment authority to withhold funding for wasteful spending.

In 1821 Thomas Jefferson said: ''The multiplication of public offices, increase of expense beyond income, growth and entailment of a public debt, are indications soliciting the employment of the pruning knife.'' The legislative line item veto is the pruning knife that Jefferson envisioned.

The legislative Line Item Veto will further hold Congress accountable to the taxpayers and ensures that we continue to be good stewards of taxpayer dollars.

Mr. BLUMENAUER. Mr. Speaker, I voted against the Line-Item Veto Act of 1996 even though it was sought by a Democratic administration because I felt that it was unconstitutional and that no president either Republican or Democrat should have the unilateral power to change the law by themself. My reservations were justified when in 1998 the Supreme Court ruled this provision unconstitutional. It would be the height of irony for a Congress that already failed in its constitutional responsibility to check the inappropriate use of Federal power by this administration with a record of the largest deficits in American history to surrender even more authority.

The proposal that is being offered although called a ''line item veto'' is nothing of the sort. While it attempts procedurally to make it easier for the President to eliminate spending, it still may be found unconstitutional. What is especially troubling is the provision that would permit the President to withhold funding for an item in an enacted appropriation bill for up to 90 days regardless of Congressional action. This could have a devastating impact on transportation programs such as Amtrak which the administration has led a crusade to shut it down. Given the precarious financial situation that Amtrak faces, the ability to delay funding for 90 days could have the effect of pushing Amtrak over the edge in leading to its collapse.

Personally, I have been happy to vote against programs I thought were unaffordable as well as go after them on the House floor. During the 109th I have already led efforts with some of my conservative colleagues against wasteful non-priority programs such as the upper Mississippi lock and dam project and costly sugar subsidies. If Congress wants to get serious about fiscal discipline, then a few simple but important steps taken would make a significant difference.

For example, it is long past time to restore the pay-as-you-go budget procedures. This pay-as-you-go concept required Congress and the administration to adopt a sustainable budget policy where money to pay for either new spending programs or costly tax cuts would have to be provided without increasing the deficit. In addition, just letting Congress know what it's voting on would be helpful. The Republican leadership routinely overrides the requirements in our rule that provides for three days to review conference committee reports.

One of the greatest failures of Congress for the 10 years that I have been in office has been its inability to exercise fiscal discipline. During the Bush administration we have seen year after year of record-breaking deficits with the highest increases in over 50 years. If we simply commit to follow our already established rules, we would do more good and pose less harm than the budget fig leaf that is being considered today. This bill is an attempt to disguise the fact that we have a budget problem because of the administration and Republican leadership refusal to do their job and to provide the tools to help the rest of us do ours.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of fiscal responsibility.

As stewards of the taxpayers' hard-earned money, we have the obligation to ensure it is spent wisely, sensibly, and where it is needed the most.

I want to commend Speaker HASTERT and Leader BOEHNER for working hard to improve the fiscal responsibility of Congress.

TRUE SPENDING REFORM

However, if we are to truly rein in spending and restore fiscal sanity, we must do more than address the aftermath of a flawed process.

Rather than waiting to restore fiscal responsibility after we pass legislation, we must work to ensure we remain committed to it as we draft legislation.

Instead of cutting spending at the end of the budgetary process, we must start the process with an eye on fiscal discipline.

True reform means leaving future generations a Federal budget that makes sense—a budget that expends only as much as it takes in.

We must make a commitment to our children and grandchildren by improving the complete budgetary process.

WE MUST PASS A BALANCED BUDGET AMENDMENT

To reform this flawed process, we must consider and pass the Balanced Budget Amendment.

H.J. Res. 58, which I cosponsored, is the most important tool in bringing fiscal responsibility back to America.

This amendment would force Congress to spend only as much as it receives.

It would also require the President to join us in this commitment by making him submit a balanced budget to Congress.

As we work today to cut wasteful spending at the end of the process, I believe we must also commit ourselves to complete fiscal responsibility in the entire budgetary process.

As we vote today on the Legislative Line Item Veto Act, I ask my colleagues to remember that true fiscal responsibility requires a commitment to discipline the whole way through the process—it requires the Balanced Budget Amendment.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise today in strong support of the bipartisan Legislative Line-Item Veto Act of 2006. The line-item veto is a commonsense approach to restraining the growth in Federal spending.

The Legislative Line-Item Veto establishes an additional check against excessive, redundant, and narrowly focused spending provisions and special-interest tax breaks. This legislation would simply allow the President to identify questionable and unnecessary spending items in bills passed by Congress. It preserves Congress' power of the purse by requiring a simple up or down vote on the President's proposed rescissions. The final decision on spending or tax items remains in the hands of Congress.

With the passage of this important legislation, this Republican-led Congress continues to highlight its commitment to fiscal discipline and supporting policies that reform and reduce the growth of mandatory government programs. Necessary reform, such as a line-item veto, can help rein in unnecessary and wasteful government spending while protecting the hard-earned money of American taxpayers.

Congress must act to bring greater transparency and accountability to the budget process. A constitutionally sound line-item veto is a useful tool to eliminate government spending that contributes to the waste, fraud, and abuse of taxpayer dollars.

Many governors currently have this ability, including in my own State of Florida. This important tool serves the people well and will help save their hard-earned money.

The line-item veto legislation gives Congress and the President yet another opportunity to bring spending under control. I urge my colleagues on both sides of the aisle to match their rhetoric with action and support meaningful budget reform.

Mr. SIMPSON. Mr. Speaker, I rise today in opposition to the line-item veto measure before the House today.

I know the authors of this measure are sincere in their efforts and believe this measure will lead to a better Federal Government.

But being sincere doesn't make their efforts right, nor does it make them wise. Rather, they are fundamentally wrong.

For 200 years, the unfortunate truth is that power, slowly but surely, has been shifting from the legislative branch of Government to the executive branch. We all know this to be true.

It should come as no surprise that this President, or the prior one, want this expanded power. The real surprise would be if this Congress finally stood up and said no.

We all know that the President today has the ability to veto any bill Congress passes. And we all know he has not done so.

Some of my colleagues will argue that we make it too hard for him to veto a bill. That is nonsense.

Every day we have to vote on bills with many imperfections. They contain provisions we might support and others we strongly oppose. But we have to balance the good and the bad in each bill and then cast our vote and defend it to our constituents.

Why should the President be any different? Why should he get to undo a hard-earned compromise? I need not remind any Member

of this body that many times the President has a role in that compromise—yet this measure would allow him to selectively undo that deal after the fact.

Let's talk for a minute about spending.

Even the sponsors of this measure don't really believe it will save any taxpayer money.

They talk about earmarks and equate them with wasteful spending.

In reality, there are only two types of spending—that which is congressionally directed and that which is recommended by the President. This measure places the recommendations of the President higher in importance than spending directed by the U.S. Congress.

If the authors of this measure have such faith in the administrative branch of Government, why do we have 11,000 unused FEMA trailers sitting in a field in Hope, AR?

Why were millions and millions of dollars wasted on $2,000 credit cards that didn't go to victims of Hurricanes Katrina and Rita, but were instead spent on things I ought not mention on this floor?

I could go on and on about $600 toilet seats and $400 hammers, but everyone here gets the point.

Let's be clear Mr. Speaker, the taxpayers aren't going to save a dime with the passage of this measure. Instead, we are going to weaken the Constitutional role of Congress, further strengthen the power of the executive branch, and provide a few Members of this body with the ability to go home and say they did something—however harmful it might be to the future of our Nation or inconsistent it might be with the intentions of our Nation's founders.

My mother used to tell me, ''Be careful what you wish for, you just might get it.'' My mother's advice would be well heeded by those who believe this measure is in the best interests of our Nation.

Mr. PAUL. Mr. Speaker, H.R. 4890, the Legislative Line Item Veto Act, is not an effective means of reining in excessive government spending. In fact, H.R. 4890 would most likely increase the size of government because future presidents will use their line item veto powers to pressure members of Congress to vote for presidential priorities in order to avoid having their spending projects ''line item'' vetoed. In my years in Congress, I cannot recall a single instance where a president lobbied Congress to reduce spending. In fact, in 1996 Vice President Al Gore suggested that President Clinton could use his new line item veto power to force Congress to restore federal spending and programs eliminated in the 1996 welfare reform bill. Giving the president authority to pressure members of Congress to vote for new government programs in exchange for protecting members' pet spending projects is hardly a victory for fiscal responsibility or limited government.

H.R. 4890 supporters claim that this bill does not violate the Constitution. I am skeptical of this claim since giving the president the power to pick and choose which parts of legislation to sign into law transforms the president into a legislator, thus upending the Constitution's careful balance of powers between the Congress and the president. I doubt the drafters of the Constitution, who rightly saw that giving legislative power to the executive branch would undermine republican government and threaten individual liberty, would support H.R. 4890.

Mr. Speaker, it is simply not true that Congress needs to give the president the line item veto power to end excessive spending. Congress can end excessive spending simply by returning to the limitations on government power contained in the United States Constitution. The problem is a lack of will among members of Congress to rein in spending, not a lack of presidential power. Congress's failure to do its duty and cut spending is no excuse for granting new authority to the executive branch.

In conclusion, Mr. Speaker, the Legislative Line Item Veto Act upsets the constitutional balance of powers between the executive and legislative branches of government. Increasing the power of the executive branch will likely increase the size and power of the federal government. Therefore, I urge my colleagues to reject this bill and instead simply vote against all unconstitutional spending.

Ms. HARMAN. Mr. Speaker, over my years in the House, I have supported budget reforms to make the process more transparent and to eliminate excessive congressional spending. I joined many of my colleagues—on both sides of the aisle—in making the hard-fought and difficult deficit-cutting votes of the 1990s.

Now, sadly, in this new decade and century, Congress must again take steps to impose fiscal discipline and balance the federal budget. In theory, the line-item veto seems to be a sensible idea, although fraught with constitutional questions, and I have voted in favor of similar legislation in the past.

At times, I have also voted in favor of cutting or eliminating the Estate Tax. In eras of government surpluses, we could afford such tax cuts.

However, times have changed.

The Line-Item Veto bill is little more than a hand-over of Congressional authority to a White House that has already elevated overreaching to an art form.

At the same time, this new decade has seen a distinct lack of congressional oversight. In the current climate, a line-item veto is a step in the wrong direction, and cedes even more Legislative Branch power to a President accustomed to invoking extraordinary constitutional authority as needed.

To be truly effective, a line-item veto should be considered along with other measures to help restore some fiscal sanity, such as ''pay-go'' budget rules and earmark reform. But this transparent transfer of power to the Executive Branch is no the answer.

Ironically, on the same day that the House is considering a Line-Item Veto—purportedly in the name of budget-balancing—we are also considering a massive cut in the estate tax.

Although my family would personally benefit from a cut in the estate tax, this is the wrong tax cut, for the wrong people, at the wrong time.

We face the looming retirement of the baby boomers, a war in Iraq, and increasing obligations to our Nation's veterans. We are still inadequately prepared to respond to a terrorist attack, natural disaster or flu pandemic. Our budget deficit is spiraling out of control. And middle class Americans are being squeezed by the rising costs of healthcare, energy and education.

We cannot be so reckless with our fiscal policy.

I will oppose both initiatives.

Mr. BUYER. Mr. Speaker, I rise to speak in opposition to H.R. 4890, the Legislative Line Item Veto Act of 2006.

I will readily admit that the underlying goal of this bill is commendable. Reducing government waste and unnecessary spending is an admirable goal, one that this Congress should pursue diligently. In fact, I voted in favor of the Line Item Veto Act of 1996.

I have seen the line item veto in action . . . by President Clinton on a military construction appropriations law. Experience is a cruel, but effective teacher. That experience has shown me that the line item veto in its practical application would abrogate Congressional authority and give the executive additional power over the legislative branch, threatening the fine balance of power that our Founding Fathers wisely ensured.

Since 1996, the Supreme Court has ruled the Line Item Veto Act of 1996 unconstitutional for its violation of Article 1, Section 7, known as the Presentation Clause of the United States Constitution. Justice Kennedy stated in his opinion in Clinton v. New York, ''Failure of political will does not justify unconstitutional remedies''. I stand by the decision of the Court and believe that its judgment is applicable to the bill before us.

In the Supreme Court ruling on Clinton v. New York the opinion of the Court stated that the ''cancellations'' of the 1996 Act were not merely exercises of the President's discretionary budget authority but a violation of Article I, Sec. 7, giving the President ''unilateral'' power to change the language of a duly enacted statute. In plain English, the bill did not allow Congress to exercise its constitutionally invested powers.

The bill before us today, H.R. 4890, attempts to avoid this hazard by requiring an up or down vote on each rescission. While these rescissions come to Congress for forced consideration, it does not get around the objections of the Court that the President, in his rescissions, is unilaterally changing a duly enacted statute. By forcing Congress to take up rescissions I fear this measure would tip the scales of power in favor of the executive. The Clinton ruling states that ''Statutory repeals must conform with Article I, (INS v. Chadha, 462 U.S. 919, 954,) but there is no constitutional authorization for the President to amend or repeal. The constitutional return is of the entire bill and takes place before it becomes law, whereas the statutory cancellations occurs after the bill becomes law and affects it only in part'' (Clinton v. New York pp. 17–24).

This gets to the heart of my argument that Congress has still not addressed the objections of the Court. The ideals of the 1996 Act for fiscal restraint did not match the practical application leading me to question the ability of the executive to faithfully carry out this legislation, no matter how well intentioned. I cannot in good faith and a clear conscience hand over legislative authority to the executive branch and vote for legislation that seeks to dilute this process.

With regard to the practical aspects of the line item veto, when I voted in favor of the 1996 Act, it was my hope and likely the hope of everyone who supported the measure that the power would be used responsibly, wisely, and prudently. I saw this power abused and misused.

After signing the Military Construction Appropriations measure for Fiscal Year 1998, President Clinton used the line item veto authority for 38 construction projects. The Clinton administration cited three criteria for canceling

the projects. The projects (1) were not requested by the military; (2) could not make contributions to the national defense in FY 1998; and (3) would not benefit the quality of life and well-being of military personnel. The Clinton administration did not even follow its own criteria! The Clinton administration even acknowledged that it had used erroneous data as the basis for striking 18 of the 38 projects. The overwhelming majority of the projects were on the administration's own 5-year construction plan. It cut critical funding for our Nation's Guard and Reserves.

This was a blatant use of raw executive arrogance and power. It was simply an exercise of the White House wanting its way and ignoring the spending priorities set by Congress. Furthermore, the Clinton White House made very clear that it would use the line-item veto as a matter of politics, rather than objective fiscal policy. The line item veto was being used as leverage against Congress to obtain consent to the White House's demand for both more spending and for policy positions.

The Clinton administration made illegitimate the fundamental rationale for the line-item veto . . . to reduce spending. They used the power to threaten the cutting of Members' projects to extract more spending for the administration's priorities; thereby, the line item veto was used to increase spending, not decrease spending.

Despite the need to trim federal spending, I am convinced that this legislation, if enacted, could again be misused by the executive branch, as has already been proven by the example of the Clinton administration. As Justice Kennedy wrote, ''That a congressional cession of power is voluntary does not make it innocuous'' (Clinton v. New York p. 4).

I am a voice for the Fourth District of Indiana. My constituents want controls on the budget and restraint in federal spending. But, neither will I have their voices muffled by an executive power grab. I took an oath to ''defend the Constitution.'' I must protect the voice of my constituents and the power the Constitution invests in me as their representative.

Mr. MACK. Mr. Speaker, I rise today in strong support of the Legislative Line Item Veto Act of 2006, offered by my friend, Mr. RYAN of Wisconsin.

I have said time and again that America's long-term freedom, security and prosperity goes hand-in-hand with restoring fiscal discipline in Washington. The people of Southwest Florida and the rest of the nation deserve a government that taxes less, spends less and regulates less. With this legislation, we will move closer to that goal. Congress and the President will be able to work together to rein in the federal budget deficit—an anchor tethered to our otherwise strong economy that needs addressing.

Moreover, if used properly, the Line Item Veto can be a positive and important tool to help ensure taxpayer dollars are being spent wisely and on the key services people need.

Mr. Speaker, we should not be fooled by those who believe we are ceding budgetary authority over to the Executive Branch, for it is Congress that has the ultimate say on any White House proposal. Instead, we are simply increasing our avenues for ways to cut down spending. Additionally, clear limits will be placed on what the President is, and is not, allowed to do. Rest assured, the power of the purse—and its maintenance—will continue to rest solely with the United States Congress.

It is upon those principles I respectfully request my colleagues in the House stand together and take an important step in passing this bill authorizing the Line Item Veto. I look forward to the prospect of it being used in the fight to reign in the cost, size and scope of Washington.

Mr. PETRI. Mr. Speaker, I want to thank the Speaker and my good friend and colleague from Wisconsin, PAUL RYAN, for their willingness to work with the Transportation Committee to ensure that transportation trust fund budget protections will be preserved and that trust fund dollars are not used for deficit reduction or diverted to the general fund.

It is my understanding that we have a commitment that this bill, when and if it comes out of conference, will be in a form that also honors funding guarantees and that spending will not be below guaranteed levels.

I further appreciate the clarification by Congressman RYAN that it was not his intention to negatively impact the guarantees and that he supports continuing to spend the revenues coming into the trust funds.

This is so important because in 1998 and in subsequent votes, this Congress has reaffirmed the principle that user fees collected from aviation and highway users should be used only for their intended purpose—transportation improvements.

For too long, aviation and highway trust fund spending had been suppressed in order to increase spending in other areas or to mask the size of the federal deficit, to the point that we had ballooning balances in the trust funds.

The goal of the line item veto bill here today is to achieve savings—and it had originally provided that any vetoed item be used for deficit reduction. For direct spending, this would have applied not only to ''earmarks,'' but to programs that are increased and supported by the trust funds!

This would be in direct conflict with the spending guarantees we have had in our two previous aviation and highway bills and undermined the principle that trust fund spending should be linked to trust fund revenues—it is spending that is paid for.

Using gas taxes for deficit reduction (as far as the Highway Trust Fund is concerned) was vigorously opposed by Republicans when President Clinton proposed it in 1993. It was the right position then and it is the right position today.

Again, this is not spending that contributes to the deficit—it is spending that is paid for and we should not break our promise that revenues collected will be spent on transportation.

Much as some may dispute it, programs that are supported by user fees are different—and they merit the different budget treatment that they currently have. It would be a terrible mistake to turn back the clock now, and I am glad that we are taking steps to ensure that it is not the case.

I look forward to continuing to work to fine-tune the provisions regarding the transportation trust funds in this bill.

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

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 886, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Legislative Line Item Veto Act of 2006''.

TITLE I—LEGISLATIVE LINE ITEM VETO

SEC. 101. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''LINE ITEM VETO AUTHORITY

''SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

''(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

''(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

''(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations

relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority or the targeted tax benefit is provided;

''(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority or targeted tax benefits proposed in that special message; and

''(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

''(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority or targeted tax benefit more than one time under this Act.

''(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a).

''(E) PROHIBITION ON PRESIDENTIAL ABUSE OF PROPOSED CANCELLATIONS.—Neither the President nor any other executive branch official shall condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section on any vote cast or to be cast by any Member of either House of Congress.

''(2) ENACTMENT OF APPROVAL BILL.—

''(A) DEFICIT REDUCTION.—Amounts of discretionary budget authority or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

''(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

''(D) TRUST FUNDS AND SPECIAL FUNDS..—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

''(E) HIGHWAY FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

''(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the transit category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State or a designated recipient (as defined in section 5307(a)(2) of title 49, United States Code), where the authorization for the appropriation of funding was authorized in such Act or chapter.

''(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration's airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

''PROCEDURES FOR EXPEDITED CONSIDERATION

''SEC. 1012. (a) EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1016 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (B). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. There shall be not more than 5 hours of general debate equally divided and controlled by the proponent and an opponent of the bill. After general debate, the bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the 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. A motion to reconsider the vote on passage of the bill shall not be in order.

''(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill if identical to the Senate bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(b) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in

the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(c) CONSIDERATION OF CONFERENCE REPORTS.—(1) Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debateable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth in this section except that no amendments shall be in order in either House.

''PRESIDENTIAL DEFERRAL AUTHORITY

''SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

''(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''TREATMENT OF CANCELLATIONS

''SEC. 1014. The cancellation of any dollar amount of discretionary budget authority or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

''REPORTS BY COMPTROLLER GENERAL

''SEC. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

''DEFINITIONS

''SEC. 1016. As used in this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

''(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

''(A) the title of which is as follows: 'A bill approving the proposed cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

''(B) which does not have a preamble; and

''(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed cancellations _____', the blank space being filled in with a list of the cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates;

''(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

''(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

''(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

''(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

''(A) budget authority from having legal force or effect; or

''(B) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

''(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

''(6) DIRECT SPENDING.—The term 'direct spending' means—

''(A) budget authority provided by law (other than an appropriation law);

''(B) entitlement authority; and

''(C) the food stamp program.

''(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ''dollar amount of discretionary budget authority'' means the entire dollar amount of budget authority—

''(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

''(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

''(B) The term 'dollar amount of discretionary budget authority' does not include—

''(i) direct spending;

''(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

''(iii) any existing budget authority canceled in an appropriation law; or

''(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

''(8) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

''(9) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

''(B) for purposes of subparagraph (A)—

''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

''(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

''(iii) all employees of an employer shall be treated as a single beneficiary;

''(iv) all qualified plans of an employer shall be treated as a single beneficiary;

''(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

''(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

''(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

''(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

''(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

''(i) the first fiscal year for which the provision is effective;

''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

''(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

''(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

''(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

''EXPIRATION

''SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.''.

SEC. 102. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''1017'' and inserting '1012''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''section 1012''.

(b) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking ''rescinded or that is to be reserved'' and inserting ''canceled'' and by striking ''1012'' and inserting ''1011''.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''Sec. 1011. Line item veto authority.
''Sec. 1012. Procedures for expedited consideration.
''Sec. 1013. Presidential deferral authority.
''Sec. 1014. Treatment of cancellations.
''Sec. 1015. Reports by Comptroller General.
''Sec. 1016. Definitions.
''Sec. 1017. Expiration.
''Sec. 1018. Suits by Comptroller General.
''Sec. 1019. Proposed Deferrals of budget authority.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

TITLE II—PAY-AS-YOU-GO EXTENSION

SEC. 201. PAY-AS-YOU-GO EXTENSION.

(a) SECTION 252 AMENDMENTS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2002'' both places it appears and inserting ''2011''.

(b) SECTION 275 AMENDMENT.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking ''2006'' and inserting ''2016''.

TITLE III—RECONCILIATION INSTRUCTIONS MAY NOT INCREASE THE DEFICIT

SEC. 301. DEFINITION OF RECONCILIATION.

Section 310 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(h) DEFINITION OF RECONCILIATION LEGISLATION.—As used in this Act, a reconciliation bill or reconciliation resolution is a measure that, if enacted, would reduce the deficit or increase the surplus for each fiscal year covered by such measure compared to the most recent Congressional Budget Office estimate for any such fiscal year.''.

TITLE IV—EARMARK REFORM

SEC. 401. CURBING ABUSES OF POWER.

Rule XXIII of the Rules of the House of Representatives (the Code of Official Conduct) is amended—

(1) by redesignating clause 14 as clause 16; and

(2) by inserting after clause 13 the following new clauses:

''14. A Member, Delegate, or Resident Commissioner shall not condition the inclusion of language to provide funding for a district-oriented earmark, a particular project which will be carried out in a Member's congressional district, or a limited tax benefit in any bill or joint resolution (or an accompanying report thereof) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) on any vote cast by the Member, Delegate, or Resident Commissioner in whose Congressional district the project will be carried out.

''15. (a) A Member, Delegate, or Resident Commissioner who advocates to include a district-oriented earmark in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint statement of managers thereto) shall disclose in writing to the chairman and ranking member of the relevant committee (and in the case of the Committee on Appropriations to the chairman and ranking member of the full committee and of the relevant subcommittee)—

''(1) the name of the Member, Delegate, or Resident Commissioner;

''(2) the name and address of the intended recipient of such earmark;

''(3) the purpose of such earmark; and

''(4) whether the Member, Delegate, or Resident Commissioner has a financial interest in such earmark.

''(b) Each committee shall make available to the general public the information transmitted to the committee under paragraph (a) for any earmark included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof.

''(c) The Joint Committee on Taxation shall review any revenue measure or any reconciliation bill or joint resolution which includes revenue provisions before it is reported by a committee and before it is filed by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any limited tax benefits. The Joint Committee on Taxation shall prepare a statement identifying any such limited tax benefits, stating who the beneficiaries are of such benefits, and any substantially similar introduced measures and the sponsors of such measures. Any such statement shall be made available to the general public by the Joint Committee on Taxation.''.

SEC. 402. KNOWING WHAT THE HOUSE IS VOTING ON.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) IN GENERAL.—Rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''8. Except for motions to suspend the rules and consider legislation, it shall not be in order to consider in the House a bill or joint resolution until 24 hours after or, in the case of a bill or joint resolution containing a district-oriented earmark or limited tax benefit, until 3 days after copies of such bill or joint resolution (and, if the bill or joint resolution is reported, copies of the accompanying report) are available (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).''.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended—

(A) by striking 'or' at the end of subparagraph (1);

(B) by striking the period at the end of subparagraph (2) and inserting '; or'; and

(C) by adding at the end the following new subparagraph:

''(3) a rule or order that waives clause 8 of rule XIII or clause 8(a)(1)(B) of rule XXII, unless a question of consideration of the rule is adopted by a vote of two-thirds of the Members voting, a quorum being present.''.

(b) CONFERENCE REPORTS.—Clause 8(a)(1)(B) of rule XXII of the Rules of the House of Representatives is amended by striking ''2 hours'' and inserting ''24 hours or, in the case of a conference report containing a district-oriented earmark or limited tax benefit, until 3 days after''.

SEC. 403. FULL AND OPEN DEBATE IN CONFERENCE.

(a) NUMBERED AMENDMENTS.—Clause 1 of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''A motion to request or agree to a conference on a general appropriation bill is in order only if the Senate expresses its disagreements with the House in the form of numbered amendments.''.

(b) PROMOTING OPENNESS IN DELIBERATIONS OF MANAGERS.—Clause 12(a) of rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(3) All provisions on which the two Houses disagree shall be open to discussion at any meeting of a conference committee. The text which reflects the conferees' action on all of the differences between the two Houses, including all matter to be included in the conference report and any amendments in disagreement, shall be available to any of the managers at least one such meeting, and shall be approved by a recorded vote of a majority of the House managers. Such text and, with respect to such vote, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the joint explanatory statement of managers accompanying the conference report of such conference committee.''.

(c) POINT OF ORDER AGAINST CONSIDERATION OF CONFERENCE REPORT NOT REFLECTING RESOLUTION OF DIFFERENCES AS APPROVED.—

(1) IN GENERAL.—Rule XXII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''13. It shall not be in order to consider a conference report the text of which differs in any material way from the text which reflects the conferees' action on all of the differences between the two Houses, as approved by a recorded vote of a majority of the House managers as required under clause 12(a).''.

(2) PROHIBITING WAIVER.—Clause 6(c) of rule XIII of the Rules of the House of Representatives, as amended above, is amended

(A) by striking 'or' at the end of subparagraph (2);

(B) by striking the period at the end of subparagraph (3) and inserting '; or'; and

(C) by adding at the end the following new subparagraph:

''(4) a rule or order that waives clause 12(a) or clause 13 of rule XXII.''.

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

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

There was no objection.

POINT OF ORDER

Mr. RYAN of Wisconsin. Mr. Speaker, I reluctantly raise a point of order to the motion to recommit on the grounds that the motion includes provisions that are not germane to the bill. On those grounds, that is why I raise the point of order.

The SPEAKER pro tempore. Does any other Member wish to speak?

Mr. SPRATT. Mr. Chairman, the motion to recommit concerns entirely the budget process. It is germane and completely germane to the budget process. We add to the bill or would add to the bill the so-called pay-as-you-go provisions which were the law of the land from 1990 to 2002. We reinstate that as a complement to, and it is complementary to, the other powers granted by this bill. It relates to entitlement spending. The bill relates to entitlement spending. So this is well within the ambit of the subject matter of this bill.

The SPEAKER pro tempore. Does anybody else wish to speak on the point of order?

Mr. RYAN of Wisconsin. Mr. Speaker, I will just rise to say that that is evidence of my point of order which PAYGO is outside of the germaneness of this bill. Earmark reform is outside the germaneness of the bill. It is on those grounds that I raise this point of order.

The SPEAKER pro tempore. Are there any other speakers on the point of order? Seeing none, the Chair is prepared to rule.

The gentleman from Wisconsin makes a point of order that the instructions contained in the motion to recommit are not germane.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment. Among the central tenets of the germaneness rule are that an amendment may not introduce a subject matter not represented in the pending bill.

The test of germaneness of a motion to recommit with instructions is the relationship of those instructions to the bill as a whole, as amended by House Resolution 886.

H.R. 4890 addresses a procedure for the President to propose cancellations of certain provisions of law, and a procedure for Congress to approve such cancellations. It further provides that the President may defer the effectiveness of the provisions of law associated with such proposed cancellations pending approval or disapproval by the Congress.

The amendment contained in the motion to recommit addresses, in part, a reinstatement of sequestration procedures within the executive branch, a change in permissible reconciliation instructions contained in a concurrent resolution on the budget, and various points of order regarding House procedures.

Such provisions address subject matters not contained in H.R. 4890, as amended.

Accordingly, the Chair finds that the instructions in the motion to recommit are not germane. The point of order is sustained. The motion is not in order.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer an alternate motion to recommit, which does not contain the objectionable features.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SPRATT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Spratt moves to recommit the bill H.R. 4890 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Legislative Line Item Veto Act of 2006''.

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1018 and 1019, respectively) and part C and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''LINE ITEM VETO AUTHORITY

''SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 10 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority or targeted tax benefit. Except for emergency spending, if the 10 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 10 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to cancel any dollar amounts of discretionary budget authority or targeted tax benefits.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify with respect to the discretionary budget authority proposed or targeted tax benefits to be canceled—

''(i) the dollar amount of discretionary budget authority (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1016(9)) or the targeted tax benefit that the President proposes be canceled;

''(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

''(iii) the reasons why such discretionary budget authority or targeted tax benefit should be canceled;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority or the targeted tax benefit is provided;

''(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority or targeted tax benefits proposed in that special message; and

''(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

''(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority or targeted tax benefit more than one time under this Act.

''(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a).

''(E) PROHIBITION ON PRESIDENTIAL ABUSE OF PROPOSED CANCELLATIONS.—Neither the President nor any other executive branch official shall condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this section on any vote cast or to be cast by any Member of either House of Congress.

''(2) ENACTMENT OF APPROVAL BILL.—

''(A) DEFICIT REDUCTION.—Amounts of discretionary budget authority or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

''(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

''(D) TRUST FUNDS AND SPECIAL FUNDS..—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

''(E) HIGHWAY FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the

highway category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State where the authorization for the appropriation of funding was authorized in such Act or authorized in title 23, United States Code.

''(F) TRANSIT FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of obligations for the transit category, as defined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, below, or further below, the levels established by section section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1917) for any fiscal year. An approval bill shall not reduce the amount of funding for a particular State or a designated recipient (as defined in section 5307(a)(2) of title 49, United States Code), where the authorization for the appropriation of funding was authorized in such Act or chapter.

''(G) AVIATION FUNDING GUARANTEES.—None of the cancellations pursuant to the enactment of a bill as provided under this part shall reduce the level of funding for the Federal Aviation Administration's airport improvement program and facilities and equipment program, in total, below, or further below, the levels authorized by section 48101 or 48103 of title 49, United States Code, in total, for any fiscal year.

''PROCEDURES FOR EXPEDITED CONSIDERATION

''SEC. 1012. (a) EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—The majority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1016 not later than the fifth day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b) .

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after a committee has reported an approval bill with respect to that special message or after the House has disposed of a motion to discharge with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except twenty minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the approval bill in accordance with subparagraph (B). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported or a committee has been discharged from further consideration, or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. There shall be not more than 5 hours of general debate equally divided and controlled by the proponent and an opponent of the bill. After general debate, the bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order, except any Member if supported by 99 other Members (a quorum being present) may offer an amendment striking the reference number or numbers of a cancellation or cancellations from the bill. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the 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. A motion to reconsider the vote on passage of the bill shall not be in order.

''(C) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

''(3) CONSIDERATION IN THE SENATE.—

''(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all amendments and debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(D) AMENDMENTS.—During consideration under this subsection, any Member of the Senate may move to strike any proposed cancellation or cancellations of budget authority or targeted tax benefit, as applicable, if supported by 15 other Members.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote on the Senate bill, then the Senate may consider, and the vote may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill if identical to the Senate bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(b) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

(c) CONSIDERATION OF CONFERENCE REPORTS.—(1) Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any approval bill shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debateable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(2) If an approval bill is amended by either House of Congress and a committee of conference has not completed action (or such committee of conference was never appointed) on such bill by the 15th calendar day after both Houses have passed such bill, then any Member of either House may introduce a bill comprised only of the text of the approval bill as initially introduced and that bill shall be considered under the procedures set forth in this section except that no amendments shall be in order in either House.

''PRESIDENTIAL DEFERRAL AUTHORITY

''SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD DISCRETIONARY BUDGET AUTHORITY.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any dollar amount of discretionary budget authority to be canceled in that special message shall not be made available for obligation for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress or for emergency spending for a period not to exceed 7 calendar days.

''(2) EARLY AVAILABILITY.—The President shall make any dollar amount of discretionary budget authority deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period not to exceed 30 calendar days from the date the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''TREATMENT OF CANCELLATIONS

''SEC. 1014. The cancellation of any dollar amount of discretionary budget authority or

targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed cancellations contained in that bill shall be null and void and any such dollar amount of discretionary budget authority or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed cancellations applied.

''REPORTS BY COMPTROLLER GENERAL

''SEC. 1015. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any discretionary budget authority is not made available for obligation or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

''DEFINITIONS

''SEC. 1016. As used in this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

''(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority or targeted tax benefits in a special message transmitted by the President under this part and—

''(A) the title of which is as follows: 'A bill approving the proposed cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

''(B) which does not have a preamble; and

''(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed cancellations _____', the blank space being filled in with a list of the cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates;

''(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or that are identified as targeted tax benefits pursuant to paragraph (9) of section 1016; and

''(E) if no CBO estimate is available, then the entire list of legislative provisions affecting discretionary budget authority proposed by the President is inserted in the second blank space in subparagraph (C).

''(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

''(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

''(A) budget authority from having legal force or effect; or

''(B) a targeted tax benefit from having legal force or effect; and

to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

''(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

''(6) DIRECT SPENDING.—The term 'direct spending' means—

''(A) budget authority provided by law (other than an appropriation law);

''(B) entitlement authority; and

''(C) the food stamp program.

''(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—(A) Except as provided in subparagraph (B), the term ''dollar amount of discretionary budget authority'' means the entire dollar amount of budget authority—

''(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

''(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

''(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

''(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

''(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

''(B) The term 'dollar amount of discretionary budget authority' does not include—

''(i) direct spending;

''(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

''(iii) any existing budget authority canceled in an appropriation law; or

''(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

''(8) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

''(9) TARGETED TAX BENEFIT.—(A) The term 'targeted tax benefit' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

''(B) for purposes of subparagraph (A)—

''(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

''(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

''(iii) all employees of an employer shall be treated as a single beneficiary;

''(iv) all qualified plans of an employer shall be treated as a single beneficiary;

''(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

''(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

''(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

''(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

''(C) for the purpose of this paragraph, the term 'revenue-losing provision' means any provision that is estimated to result in a reduction in Federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the following periods—

''(i) the first fiscal year for which the provision is effective;

''(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

''(iii) the period of 10 fiscal years beginning with the first fiscal year for which the provision is effective; or

''(iv) the period of 20 fiscal years beginning with the first fiscal year for which the provision is effective; and

''(D) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

''EXPIRATION

''SEC. 1017. This title shall have no force or effect on or after 2 years after the date of enactment of this section.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''1017'' and inserting '1012''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''section 1012''.

(b) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking ''rescinded or that is to be reserved'' and inserting ''canceled'' and by striking ''1012'' and inserting ''1011''.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

''PART B—LEGISLATIVE LINE ITEM VETO

''Sec. 1011. Line item veto authority.
''Sec. 1012. Procedures for expedited consideration.
''Sec. 1013. Presidential deferral authority.
''Sec. 1014. Treatment of cancellations.
''Sec. 1015. Reports by Comptroller General.
''Sec. 1016. Definitions.
''Sec. 1017. Expiration.
''Sec. 1018. Suits by Comptroller General.
''Sec. 1019. Proposed Deferrals of budget authority.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any dollar amount of discretionary budget authority or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, let me just tell you quickly, by laundry-list fashion, the changes that this amendment would add to the bill.

First of all, we have followed the model of similar bills, the bills that were passed by this House in 1993 and 1994. We have gone back to those to create expedited rescission authority.

Secondly, we have prohibited the President or any other officer of the executive branch from using the rescission authority, that power, as a bargaining tool to extract votes on other unrelated legislation.

Number three, we have provided that during the consideration of a rescission request by the President, there is to be a motion to strike; in other words, a provision by which 100 Members of the House could ask for a separate vote on a separate item which they deem worthy, and they could have an opportunity in the well of the House to make the case for this worthy spending item.

Number four, we have limited the number of cancellation proposals that the President can send up to one appropriation bill, which is an entirely sensible change to the bill. Otherwise, under the terms of the bill, the President will be able to send 5 different rescission requests on 11 different appropriations bills, in total 55 bills, which could wreak havoc with the process and in this place. It invites chaos. It is not necessary. It was not in previous bills. It does not need to be in this bill.

Number five, we have reduced the amount of time the President has to propose a cancellation or rescission after signing a bill from 45 days to 10 days. Why is that? We think that 10 days is more than enough. The original bills passed by the House provided only 3 days. We have extended it to 10 days, but 10 days give the President all the time he needs for a budgetary scrubdown of the budget. Forty-five days is apt to cause him to look for political applications as opposed to budgetary applications.

Number six, we have reduced the amount of time that the President can withhold funds, impound funds when he proposes a rescission or cancellation from 90 days, as in the bill, to 30 days and 7 days for emergency spending. We think that is reasonable. That is roughly the time it would take for a rescission to run its course.

Then we think this is extremely important, not just reasonable, but critically important. This is a major experiment. Let us not extend it to entitlement spending. Americans depend upon Social Security and Medicare and veterans benefits. Are we going to take something that important from which people depend and put it on the fast track, the up-or-down vote process that this vote calls for? I would hope not. This particular amendment would put Social Security and Medicare and veterans benefits beyond the reach of the President's rescission power, fast-track rescission powers.

This then defines tax benefits the way we originally defined it. One of the evolutions in the history of this bill was for us to go back and say a lot of money is spent through tax expenditures in the Tax Code. There are a lot of earmarks in the Tax Code, as well as in the appropriation bills. So let us call attention to something called the targeted tax benefits that have fewer than 100 intended beneficiaries, and let us provide as to these earmarks in the tax bill the President will have the same authority. This bill has been changed significantly from 100 beneficiaries to 1 beneficiary, which guts the meaning of that original provision.

Finally, this is an experiment. We are ceding a lot of authority to the President of the United States that the Congress has under Article I of the Constitution. In order to make sure that this authority is not misused or abused or manipulated, we are providing simply that we have a sunset of 2 years. Two full years would mean President Bush would have this authority for 2 fiscal years, but that we would review it and decide whether or not we should go forward with it or make major changes.

These are all serious, substantive amendments. They are not tilted in any direction at all except in the direction of getting a better bill which we can vote upon.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to commend the gentleman for a very substantive motion to recommit. I would like to go through a number of the provisions he raises and some of the concerns I have with them and why I have to rise in opposition.

Number one, Mr. Speaker, he excludes direct spending from the line item veto. A case in point. When we do the transportation reauthorization bill, that thing contains something like 5,000 earmarks. The bridge to nowhere is one of the most prolific examples of such things. I do not think those things should be exempt from this line item veto tool.

Number two, he reduces the number of messages from five to one. My fear with this change is that it will reduce the effectiveness of this tool. If the President only has one bite at the apple, only one bill he can send, he will only go after one or two earmarks. What if a bill has 5,000 earmarks? What if a bill has 500 earmarks? The President ought to be able to send us more votes so we can go after more earmarks and cut out more wasteful spending. If he only gets to send 1 bill, and he puts 50 pieces in that bill, then the President will be growing his vote coalition against it. Fifty State delegations also vote against it. So I think if you just do one bill, you are going to make this tool very, very small. It will not be nearly as effective because the President will be disincentivized from putting many earmarks in it because they will fall under their own weight. That is why we put five bills so we can go after a great number of earmarks so that we can get maximum output for this.

Now, the other thing, it permits amendments to strike. I understand the intent of this. I think it is valuable, but the problem I have with permitting amendments to strike is that then you are going to ping-pong back and forth with the House and Senate. You will see no end to this.

The reason why we do not allow amendments to conference reports is because conference reports represent a conclusion of a legislative process, the end of a legislative process before a bill becomes law. But that is where a lot of mischief happens, and mischief occurs because people insert earmarks in conference reports. I think by doing this you are going to encourage that. Even if you try to come up with language to streamline the conference report process, I still think this produces those problems.

Lastly, Mr. Speaker, the tax provision. This is one that is worthy of very good debate. Mr. SPRATT wants to limit the number of tax beneficiaries from 100 to 10. Let me give you an example. We chose to do it the way we did it so we would go after tax pork, rifleshot tax policy, you know, this tax cut for this person, this tax entity, instead of tax policy. Let me just give you one example. The orphan drug tax credit.

We have the orphan drug tax credit in tax law today because there are a lot of small diseases that do not have a lot of constituencies, that do not have a lot of people—lupus, Duchenne's disease, and you are not going to see pharmaceutical companies engaging in committing millions of dollars in research to cure such small diseases, but we want cures for these smaller diseases, these rare diseases. So we created the orphan drug tax credit. How many people utilize this orphan drug tax credit? Very few, surely not 100, maybe 3, 4 companies. Researchers will research a cure for a rare disease, but if they do the research, they qualify for the tax credit. That is tax policy. Fewer than 100 beneficiaries get it, but we wanted to have a tax incentive so that researchers will commit their dollars to researching and finding cures for rare diseases. That is just one example of how broadening the scope of this goes into tax policy.

The goal of this is not to give the President the power to rewrite policy, to rewrite entitlement policy, to rewrite tax policy. The goal of the legislative line item vote is to give us the tool to go after pork, tax pork.

□ 1730

Now, what we want to accomplish with this, Mr. Speaker, is to give us the tools to go after wasteful spending, wasteful direct spending, wasteful discretionary spending, and wasteful tax pork. The key thing is that we reserve the power. The Executive can give us the bill; the Executive, the President, can pull the pork out; but who makes the decision is Congress. Congress and Congress alone, the legislative branch, are the ones who execute the action.

I think the compromise we have come up with, the base bill, is the right way to go.

And the last point I will make is the gentleman reduces the deferral period to 30 days. Here is the problem with that. That means Congress can pass a huge omnibus appropriations bill in October, as we often do, and then leave for recess until January 20, when the President has the State of the Union address. He is out of session for 3 months and Congress cannot waive the deferral period.

I urge a ''no'' vote on the motion to recommit.

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

There was no objection.

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

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

RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the question of passage, if ordered, and the motion to suspend the rules on House Resolution 323.

The vote was taken by electronic device, and there were—ayes 170, noes 249, not voting 14, as follows:

[Roll No. 316]

AYES—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Langevin
Lantos
Larsen (WA)
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Otter
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wynn

NOES—249

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Conyers
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Honda
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—14

Berkley
Berman
Davis (FL)
Doggett
Evans
Jefferson
Johnson, Sam
Miller, George
Owens
Oxley
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1753

Messrs. NORWOOD, GOODLATTE, RANGEL, KUCINICH, RYAN of Ohio, DICKS, LARSON of Connecticut, Ms. SCHWARTZ of Pennsylvania, Ms. SOLIS, and Ms. WOOLSEY changed their vote from ''aye'' to ''no.''

Messrs. BISHOP of Georgia, OTTER, and SHERMAN changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 172, not voting 14, as follows:

[Roll No. 317]

AYES—247

Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—172

Abercrombie
Ackerman
Aderholt
Allen
Baca
Baird
Baldwin
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doyle
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Otter
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Rogers (KY)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Simmons
Simpson
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—14

Berkley
Berman
Davis (FL)
Doggett
Evans
Jefferson
Johnson, Sam
Miller, George
Owens
Oxley
Pitts
Serrano
Shays
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority''.

A motion to reconsider was laid on the table.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 323, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 323, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 39, as follows:

[Roll No. 318]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berry
Biggert
Bilbray
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)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher

Taylor (MS)	Van Hollen	Weller
Terry	Visclosky	Westmoreland
Thomas	Walden (OR)	Wexler
Thompson (CA)	Walsh	Whitfield
Thompson (MS)	Wamp	Wicker
Thornberry	Wasserman Schultz	Wilson (NM)
Tiahrt	Watson	Wilson (SC)
Tiberi	Watt	Wolf
Tierney	Waxman	Woolsey
Towns	Weiner	Wu
Udall (CO)	Weldon (FL)	Wynn
Udall (NM)	Weldon (PA)	Young (AK)
Upton		Young (FL)

NOT VOTING—39

Berkley	Gallegly	Owens
Berman	Hayes	Oxley
Blumenauer	Hooley	Peterson (PA)
Bono	Jefferson	Pickering
Butterfield	Johnson, Sam	Pitts
Clay	Kaptur	Radanovich
Costa	Kilpatrick (MI)	Serrano
Davis (FL)	LaHood	Shays
Delahunt	Lynch	Souder
Doggett	McMorris	Taylor (NC)
Emanuel	Miller, Gary	Turner
Evans	Miller, George	Velázquez
Ford	Murtha	Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1808

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on June 22, 2006, I traveled to Connecticut to deliver a high school graduation address and, therefore, missed 11 recorded votes.

I take my voting responsibility very seriously. Had I been present, I would have voted "yes" on recorded vote No. 308, "yes" on recorded vote 309, "yes" on recorded vote 310, "yes" on recorded vote 311, "yes" on recorded vote 312, "yes" on recorded vote 313, "no" on recorded vote 314, "yes" on recorded vote 315, "no" on recorded vote 316, "yes" on recorded vote 317, and "yes" on recorded vote 318.

REPORT ON H.R. 5672, SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–520) on the bill (H.R. 5672) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON HOMELAND SECURITY TO HAVE UNTIL MIDNIGHT, JUNE 23, 2006, TO FILE REPORT ON H.R. 5351, NATIONAL EMERGENCY MANAGEMENT REFORM AND ENHANCEMENT ACT OF 2006

Mr. REICHERT. Mr. Speaker, I ask unanimous consent that the Committee on Homeland Security have until midnight tomorrow night to file a report on H.R. 5351.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, at this time I yield to my friend, Mr. BOEHNER, the majority leader, for the purposes of inquiring about the schedule for the week to come.

Mr. BOEHNER. I thank my colleague for yielding.

Next week, Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour, and 2 p.m. for legislative business. We will have some suspensions on the floor on Monday. A final list of those bills will be distributed by the end of the week.

For the balance of the week, the House will consider, on Tuesday, the flood insurance reform program. We are hopeful that the State, Science, Justice and Commerce appropriations bill could come up as early as Tuesday evening.

The rest of the week, H.R. 4761, the Deep Ocean Energy Resources Act, and any possible conference reports that might be available.

I don't want anyone to misinterpret what I am going to say about next week's schedule. I am trying my best to make sure that we are finished by next Thursday evening. I think the congressional baseball game is next Thursday evening. I would like for us to complete our work before then.

Now, I want to make it perfectly clear that I am not committing myself to that. We have work that we need to get finished next week, but I am hopeful that our work leading into the July 4 District Work Period will be completed by then.

Mr. HOYER. I thank the gentleman. Reclaiming my time, you did not mention the time at which we will have votes on Monday night, but I presume it is 6:30. Is that accurate?

Mr. BOEHNER. That is correct.

Mr. HOYER. Okay. And you have just answered my question on Friday.

Let me ask you, we are talking about Fridays, after the July 4 work period, the schedule tentatively has on there working Monday through Friday on the 3 weeks in July. We have been pretty efficient in getting the appropriations bills through. We have two left. I will ask you about a couple of those.

But is it still your expectation, given that the appropriations bills will probably, hopefully, all be done by that time, that we would still schedule 5-day weeks?

I yield to my friend.

Mr. BOEHNER. I thank my colleague for yielding.

I can announce to the House that we do not expect to have votes on Friday, July 14. We will have votes on that Monday preceding that, but I expect that we will have no votes on the 14th.

It is also my expectation that by the close of business next Thursday we will have a firmed-up schedule for July. The schedule that we are operating under was developed last December, and I think it is incumbent upon us to review that. And so by the end of next week, we will have a revised schedule. If there are any other times available, we will have that out to Members by the end of next week.

Mr. HOYER. I thank the gentleman. And I know the Members will appreciate a more definite schedule when you are able to give that.

Mr. Leader, we had expected that the Voting Rights Act would be on the floor this week. I think you had expected that as well.

Mr. BOEHNER. I sure did.

Mr. HOYER. This is obviously, from our perspective, I think from your perspective, a very important bill and we thought we had bipartisan agreement on the bill. It came out of committee, as you know, in an overwhelming bipartisan vote. Do you have an expectation of when we might see that bill on the floor?

I yield to my friend.

Mr. BOEHNER. The Voting Rights Act is a very important piece of legislation. It is a very important piece of the legislation done in the 1960s. It is an important part of our civil rights protections. As we reauthorize this bill, I think we need to remember it is not due to expire until July of next year. And we have Members who have different interpretations of what some of the words say in the bill that came out of committee. There has been some concerns raised. We are trying to clarify some issues for Members.

□ 1815

When we get it resolved, we will bring it to the floor.

I would just say, having been my open and honest self so many times here on time frames and then to have them come back and bite me, I am a bit reluctant to suggest to you when this will occur, but as soon as we clarify these issues to the satisfaction of Members, we will bring it up.

Mr. HOYER. I appreciate the gentleman's comments. Obviously we share the view that this is an important bill. We understand that the act has some time before reauthorization needs to be done, but in light of the fact that it came out of committee with very bipartisan support, and Mr. SENSENBRENNER, Mr. WATT, and others worked

very hard on this bill, we are hopeful it can move as soon as possible so the Senate can itself consider it.

The next bill that we had thought was going to be on the calendar last week, the Labor-Health bill, is not listed for this coming week. I have noted some of your comments in the papers, but obviously this bill, as you know, includes an increase in the minimum wage, which was voted out of committee on a bipartisan vote, and we believe that if it is brought to the floor, it will be approved on a bipartisan vote.

But can the gentleman tell me what the expectations are for the Labor-Health bill?

I yield to my friend.

Mr. BOEHNER. It is not on the schedule next week.

Mr. HOYER. You have no expectations, then?

Mr. BOEHNER. I didn't say that. It is just not on the schedule next week.

Mr. HOYER. Clearly the appropriation bills have been bills which I know the majority wanted to move, and I would hope, notwithstanding the fact that there is a provision that the committee approved, that we would not subject that to a majority vote on the floor.

Mr. BOEHNER. Will the gentleman yield?

Mr. HOYER. I will be glad to yield.

Mr. BOEHNER. Yes. The bill came out of committee, but typically the rules of the House don't allow Members to legislate on an appropriation bill, and I think there are a lot of people who believe that is legislation on an appropriation bill. So there are some concerns about it. And let me be fair. There are other issues with the bill beyond the provision that was authored by my friend from Maryland.

Mr. HOYER. Reclaiming my time, that was my assumption as well, that there are other issues. But in terms of the gentleman's observation regarding the rules, just as typically it has been our observation that if the majority wanted something on the floor, they simply waived the rules, and they have done so on a very frequent basis. We are just hopeful that you would see your way clear to doing that just one more time.

Mr. BOEHNER. I will take that into consideration.

Mr. HOYER. I thought you would.

Mr. Leader, the Health IT bill and other health care-related bills, I know this was supposed to be Health Care Week. I may have missed it, but in any event, if it went by me, it is Health Care Week.

Can you tell me whether or not the IT bill might come at some point in time?

I yield to my friend

Mr. BOEHNER. Do these questions get any easier?

The Health IT bill has shared jurisdiction between the Ways and Means Committee and the Energy and Commerce Committee. There are some issues. They are trying to resolve those issues. The chairman of the Ways and Means Committee, as you are probably aware, was preoccupied with two other projects this week, and I do not believe that the issues have been resolved. I do expect it will be up early in July, but I am not sure that we are going to be able to resolve those differences by next week.

Mr. HOYER. I thank the gentleman for that information.

Lastly, Mr. Leader, there has been a lot of talk on it, and we have voted on it numerous times, the so-called pledge protection bill. Do you know whether that might be on the floor next week?

I yield to my friend.

Mr. BOEHNER. If it does come up, it will be under suspension of the rules. I would like to see it on the floor next week, and we are discussing that with Chairman SENSENBRENNER. I would hope that it is up next week.

If I could continue, the gentleman was kind enough not to ask me the question that he has asked me for the last 3 months, and that is the status of the pension bill, so I thought I would just do it on my own.

We have made a lot of progress this week, and I have talked to Democrat Members here in the House and in the Senate, as well as my Republican colleagues. We are very close, I believe, to an agreement that will receive the kind of broad bipartisan support we saw of the pension bill when it left the House and the Senate last year. So I am not sure that the conference report will be ready for the floor next week, but it is possible.

Mr. HOYER. I thank the gentleman for that information. He and I share the view that the pension bill is a very important bill for employees and for employers. I know the gentleman has been working hard on it.

But in light of the fact you did bring it up, last week we talked about the inclusion of both parties in the deliberations. After our conversation, I had the opportunity to check with Mr. RANGEL, and I don't think he has been included. I do believe that Senator KENNEDY and Senator BAUCUS have been included, and there was a lot of discussion, but I will tell my friend that the information I have, which may be incorrect, is that at least in terms of this House, the ranking member has not been included in the deliberations. I think that would really be helpful when it comes back out so that our Members would be able to have the information from our ranking member as to his insights into what has been done, and I would hope that could occur.

ADJOURNMENT TO MONDAY, JUNE 26, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

COMMEMORATING THE 60TH ANNIVERSARY OF THE ASCENSION TO THE THRONE OF HIS MAJESTY KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. LEACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 409) commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Amend the preamble as follows:

Page 2, unnumbered line 4, strike out ''Agency'' and insert ''Program''.

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

There was no objection.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, JUNE 23, 2006, TO FILE REPORT ON H.R. 5316, RESPOND ACT OF 2006

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Friday, June 23, 2006, to file a report to accompany the bill, H.R. 5316, the RESPOND Act.

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

There was no objection.

CALLING FOR AN INCREASE IN THE MINIMUM WAGE

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

Mr. BROWN of Ohio. Mr. Speaker, this week again, Mr. Speaker, the House and the Senate failed to increase

the minimum wage in our country. For 10 years the minimum wage has been stuck at $5.15 an hour. In my State of Ohio, if we would raise the minimum wage to $6.85 an hour, as many people want to through a ballot initiative, 500,000 individual Ohioans with 200,000 children in those households would get a raise. It would help their standard of living. It would put more money into our economy. It would be good for our State and good for all of us.

This Congress, instead of passing a minimum wage increase, continues to give tax breaks to people who make more than $1 million a year. They get hundreds of millions of dollars. The CEO of Exxon makes $18,000 an hour. A woman in Girard, Ohio, who fills her tank with gasoline from ExxonMobil that lives on the minimum wage makes $11,000 a year.

IT IS UP TO CONGRESS TO BE FISCALLY CONSERVATIVE

(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, today the House took several measures that I believe it is important for the American people to understand. Of course, it sounds like the estate tax potential has great merit for many who believe that they are either engaged in family farming or small businesses. Might I say that the existing relief under estate tax actually gives those whose estates are $7 million absolute relief.

So at this time when we are at war, to give another $800 billion giveaway really is unreasonable. And, therefore, even though I have in the past supported the estate tax, this is not the time. And the reason is because, of course, the minimum wage has not been raised for the past 6 years. In fact, it is at a rate that shows that it is as low as it was 50 years ago in today's dollars. When are we going to see relief for those single parents and hard-working families who can barely make ends meet on $5.15?

Then we want to give the President a line item veto, which has already proven to be unconstitutional.

It is up to this Congress to be fiscally conservative, not rely on an unconstitutional law such as line item veto.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–117)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To The Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 24, 2005, 70 FR 36803.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2006*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE ESTATE TAX AND MINIMUM WAGE

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

Mr. DEFAZIO. Mr. Speaker, so today the United States House of Representatives voted in the next decade, the coming decade with the retirement of the baby boomers looming before us, to borrow, borrow $762 billion so the wealthiest among us can escape taxation and helping to carry the burden of the United States. On the same day the Republican leaders refused to allow any vote on an increase in the minimum wage, $5.15 an hour, the Federal minimum wage. Fairly extraordinary, but it says a lot about priorities.

On my side of the aisle there was near unanimity on increasing the minimum wage, and a large majority voted against borrowing $762 billion so we can give massive tax cuts to estates, for the most part, worth more than $25 million.

It is not about small business, family farms, tree farmers. There will be in 2009 an exemption of $7 million per family. That will take care of most small businesses, family farms, and tree farms that I am aware of. No. This is about the massive accumulation of wealth, some of it unearned.

□ 1830

For instance, let's take Lee Raymond, a wonderful gentleman, recently the CEO of ExxonMobil. We all know them well. They made $100 million a day last year. ExxonMobil made $100 million a day last year extorting the American public, the driving public, through price gouging and extraordinary profiteering.

Now, Mr. Raymond, who held the helm until recently, was rewarded fairly handsomely for doing that, a $400 million retirement payout. So this one gentleman, one gentleman, of course, he really worked hard to earn that $400 million, and he is going to have to limp through his retirement on $400 million, although I think he still gets to use the corporate jet, and they still would have to provide him some other emoluments suitable to his status.

But, in any case, this one change in the Tax Code is going to be worth an approximately $160 million tax break to Mr. Raymond. So while ExxonMobil is fleecing the consumers over here, Mr. Raymond gets a $400 million windfall pension, and then he gets from the Republican leadership a $160 million tax break.

Now, that might be kind of okay, except they are going to borrow the money to give him the tax break. We are borrowing right now $1.3 billion a day to run the Government of the United States, and with this new tax break for the richest among us, estates worth more than $25 million, we are going to borrow another $210 million a day. Our credit is good. Isn't that great? That is the good news, they would say, our credit is good.

Unfortunately, the bill isn't going to go to Mr. Raymond. The bill is going to go to people who work for wages and salaries. Under the bill that passed here today, a schoolteacher will pay a higher rate of taxation on their salary than Mr. Raymond will on his windfall from ExxonMobil. Now, that is fair in their world. It is not fair in my world, and it is not fair to the people I represent.

You can look at it another way. The next decade, as the Social Security annual surplus diminishes down toward

zero toward the end of the decade, roughly the surplus during that decade will be about $780 billion. So we are going to borrow the entire surplus collected to pay the benefits of retired Americans; of course, not Mr. Raymond, he is not too worried about it, but other Americans, and we are going to give that as a tax break to people who have estates worth more than $25 million.

Isn't that great? And they say this is about small business and family farms. No, it is about feeding those who have given so generously to you. This is the contributor class that we are talking about here, and the contributor class is awfully generous and has been incredibly generous to George Bush over his political career and extraordinarily generous to the Republican majority here in Congress.

So, it is not too much to ask that they should pass a bill that gives them a $762 billion windfall, hands the bill to working Americans, and they hope to stay in power. A very sad day for the United States House of Representatives.

PUERTO RICO'S BORDER WAR

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

Mr. POE. Mr. Speaker, more news from the front. The border war continues, and today this dispatch comes from the weakest 272 miles on the second border of our Nation.

This could be a postcard from that front, snapshots of illegals all across the beaches here running ashore, coming from this boat called a yola. We see here a Blackhawk helicopter.

This invasion started in one Caribbean island and lands on another Caribbean island. This boat is packed with hundreds of illegals. They ride the waves that carry them to a new existence in these primitive boats. They wash ashore on the most advanced country in the world, a superpower.

Mr. Speaker, this looks like a naval invasion from World War II in one the Pacific islands.

This boat was spotted by the Border Patrol, and even though there may be 100 or 150 individuals that are illegally entering Puerto Rico, only 10 to 12 of them will actually be arrested. Sometimes the Border Patrol is not this lucky and doesn't find any of these individuals.

I have spoken to border agents who patrol Puerto Rico, and they have arrested individuals. Recently they arrested an individual of Middle Eastern descent. He was actually swimming ashore. And when he was questioned about what he was doing on American soil, he replied with answers like, ''Allah is great,'' and, ''Bush is the devil,'' and that is all he would say.

Stories like this prove the same warfare that let us conquer the Japanese islands in World War II is in play on our shores. It was called island hopping back in World War II, when the American marines would go from island to island getting ever closer to the Japanese homeland. Island hopping.

But after marines were sent to capture an island in the Pacific, they would move on to the next island, getting closer, and it worked, and it worked in the Pacific. But now this strategy is being used against the United States, and the invasion of Puerto Rico poses a national security issue, 272 miles of a border that needs to be protected.

But another island is being targeted first by these island-hopping invaders. It is called Mona Island. That is also a part of the United States, part of Puerto Rico. It is right here, Mr. Speaker, next to the Dominican Republic, Haiti, and then you see this little island called the Mona Island, very close to Puerto Rico.

This island is inhabited basically by a bunch of botanists, for lack of a better phrase, and they are investigating whatever nature resources there are there. It is a 25-mile nature preserve. And the biologists and naturalists that are there aren't the only people there. It is a breeding ground for illegals.

You see, what happens, Mr. Speaker, illegals stop off at Mona Island. They are Cubans, Chinese, Dominicans, Middle Easterners, South Americans and any other illegals from around the world.

They land on Mona Island, the first island-hopping stop in their Caribbean trip, and then they move over to the mainland of Puerto Rico. They make their way to Puerto Rico, where, at any given time, there are only four Border Patrol agents on patrol for 272 miles of border or coastline.

Then when illegals get to Puerto Rico, once they land, what they do is they find someone to sell them a fake American driver's license, pretend to be a U.S. citizen, and then catch an airplane to the heartland of America.

Mr. Speaker, we are being invaded by land and by sea. The obligation of the U.S. Government is to protect its citizens. That is the number one obligation of this government. We must protect our citizens from invasion from all foreign nations by any means. The border war includes the American held island of Puerto Rico and Mona Island.

Mr. Speaker, while we are sending more Border Patrol and National Guard to our southern border, we are losing ground in Puerto Rico. This island hopping must stop.

Why aren't we using the resources of the Coast Guard to protect our coasts from this unlawful invasion into Puerto Rico? There is a concentrated effort by other nations to infiltrate our national borders. It also happens to be illegal.

The government must have the will to protect our borders like we protect the borders of other nations throughout the world. Meanwhile, the battle for the border continues on the homeland, the second front.

That's just the way it is.

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.)

SUPPORT THE DECENT WORKING CONDITIONS AND FAIR COMPETITION ACT

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to replace Mr. PALLONE.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, if you live in Toledo or Dayton or Youngstown, or if you live in Mansfield, Ohio, or Hamilton, Ohio, or Lima, Ohio, you know that the Federal Government's trade policies are undermining American manufacturers. And if you live in Marion or Portsmouth or Springfield, Ohio, you know that our trade policies are encouraging the spread of abusive sweatshop practices.

China is the world's sweatshop leader, with repressive labor policies resulting in wage suppression of as much as 85 percent. We all know that American workers can compete in a global economy on a level playing field, but no one can compete with prison labor, child labor or sweatshop labor. The result, a U.S. trade deficit with China that breaks records year after year, an increasing loss of U.S. manufacturing jobs to China. In my State alone, in Ohio, 42,000 jobs have been lost to China since the year 2001. Much of that job loss has been as a result of China's unfair trade practices. Yet America's trade agreements are actually encouraging the development of new sweatshops.

All of us in this body supported the U.S.-Jordan Free Trade Agreement because Jordan's labor protections were seen as meeting international standards. But the New York Times reported just last month that in the few years since the Jordan Free Trade Agreement took effect, lax enforcement and an abusive guest worker system have made Jordan the new haven for some of the world's most brutal sweatshops.

Senator BYRON DORGAN and I have introduced the Decent Working Conditions and Fair Competition Act to end sweatshop profiteering. The bill bars the importation, the exportation or the sale of goods made with prisoner sweatshop labor. In other words, if a product is made by child labor or by forced prison camp labor, you can't import it into the United States, you can't sell it in the United States.

The bill charges the Federal Trade Commission with enforcement, and

gives manufacturers, competitors, retailers and shareholders a right to hold violators accountable. The bill prohibits Federal Government agencies from buying goods made with prison or sweatshop labor.

We cannot afford to continue to turn a blind eye to these abuses. Sweatshop imports are a moral crime. They violate the values of our families, of our faith and of the history of this country. They are a moral crime against the working men and women, and, I am afraid, working children of the developing nations.

Sweatshop imports are economic suicide for our country. As we import sweatshop goods, we export American jobs, we weaken the bargaining position of U.S. workers fighting for wages with which they can actually support their families.

The heart of America's economy has always been a vigorous middle-income consumer class. Henry Ford knew that. That is why he paid his workers a wage that would allow them to buy the cars that they made, to share the wealth they create, to buy the cars that they made.

By driving U.S. wages down, we weaken the American consumer market, we undercut our greatest economic power, and we lose jobs in so many of our communities. And when we lose jobs in places like Marion, Ohio, and Zanesville, Ohio, we hurt our communities, we hurt our families, we lay off police officers, we cut back on the fire department, our classrooms get larger as teachers get laid off. It hurts our communities, and it is wrong for our country.

I ask my fellow Members of the House to please support the legislation that I mentioned tonight, the Decent Working Conditions and Fair Competition Act.

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

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

AGREEING TO TALK TO IRAN UNCONDITIONALLY

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim my 5 minutes at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. PAUL. Mr. Speaker, I am encouraged by recent news that the administration has offered to put an end to our 26-year-old policy of refusing to speak with the Iranians. While this is a positive move, I am still concerned about the preconditions set by the administration before it will agree to begin talks.

Unfortunately, the main U.S. precondition is that the Iranians abandon their uranium enrichment program. But this is exactly what the negotiations are meant to discuss. How can a meaningful dialogue take place when one side demands that the other side abandon its position before the talks begin?

Is this offer designed to fail so as to clear the way for military action while being able to claim that diplomacy was attempted? If the administration wishes to avoid this perception, it would be wiser to abandon preconditions and simply agree to talk to Iran.

By demanding that Iran give up its uranium enrichment program, the United States is unilaterally changing the terms of the Nuclear Nonproliferation Treaty. We must remember that Iran has never been found in violation of the Nonproliferation Treaty. U.N. inspectors have been in Iran for years, and International Atomic Energy Agency Director ElBaradei has repeatedly reported that he can find no indication of diversion of source or special nuclear material to a military purpose.

As a signatory of the Nonproliferation Treaty, Iran has, according to the treaty, the ''inalienable right to the development, research and production of nuclear energy for peaceful purposes without discrimination.''

□ 1845

Yet, the United States is demanding that Iran give up that right even though, after years of monitoring, Iran has never been found to have diverted nuclear material from peaceful to military use.

As my colleagues are well aware, I am strongly opposed to the United Nations and our participation in that organization. Every Congress I introduce a bill to get us out of the U.N., but I also recognize problems with our demanding to have it both ways. On one hand, we pretend to abide by the U.N. and international laws, such as when Congress cited the U.N. on numerous occasions in its resolution authorizing the President to initiate war against Iraq. On the other hand, we feel free to completely ignore the terms of treaties, and even unilaterally demand a change in the terms of the treaties without hesitation. This leads to an increasing perception around the world that we are no longer an honest broker, that we are not to be trusted. Is this the message we want to send at this critical time?

So some may argue that it does not matter whether the U.S. operates under double standards. We are the lone superpower, and we can do as we wish, they argue. But this is a problem of the rule of law. Are we a Nation that respects the rule of law? What example does it set for the rest of the world, including rising powers like China and Russia, when we change the rules of the game whenever we see it? Won't this come back to haunt us?

We need to remember that decision-making power under Iran's Government is not entirely concentrated in the President. We are all familiar with the inflammatory rhetoric of President Ahmadinejad, but there are others, government bodies in Iran, that are more moderate and eager for dialogue. We have already spent hundreds of billions of dollars on a war in the Middle East. We cannot afford to continue on the path of conflict over dialogue and peaceful resolution. Unnecessarily threatening Iran is not in the interest of the United States and is not in the interest of world peace.

I am worried about pre-conditions that may well be designed to ensure that the talks fail before they start. Let us remember how high the stakes are and urge the administration to choose dialogue over military conflict.

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.)

IRAQ AND THE PATH TO WAR

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, stop the presses; we found Iraq's weapons of mass destruction. Or at least that is what some Members of Congress would have the American public believe. They stake this claim on an unclassified portion of an intelligence report that addressed the finding of 500 weapons shells of old, inert chemical agents from the Iran-Iraq war in the 1980s. The shells had been buried deep within the ground near the Iranian border and forgotten by Iraqi soldiers.

Yesterday, intelligence officials made clear that these deactivated shells were not the so-called weapons of mass destruction that the Bush administration used as the basis for going to war in Iraq. Mr. Speaker, a few weapons shells from a two-decade-old war does not a weapons of mass destruction program make.

No matter how you slice it, no matter how you package the story, Saddam Hussein simply didn't have a weapons of mass destruction program in Iraq; yet, there are those who would stop at nothing to prove they existed. It is as if finding the weapons of mass destruction would somehow validate an unjust and unnecessary war that has been mismanaged from the day it was first shamefully conceived.

Mr. Speaker, do a few weapons shells from a two-decade-old war justify the 2,511 American soldiers who have been killed in Iraq? Do they justify the more than 18,000 soldiers who have been wounded forever? How about the countless others who have been traumatized

by psychological and physical injuries or the tens of thousands of Iraqi civilians who have been killed?

Speaking of U.S. troops killed in Iraq, the President's new press secretary recently called the 2,500th American casualty ''just a number.''

But the American people know that this soldier and the other 2,510 soldiers who have been killed aren't just numbers; they are sons, they are daughters, they are husbands and wives, they are fathers, they are mothers; and each of them was willing to lay down their own life for what they believed to be their duty as part of the U.S. military.

These brave men and women deserve a foreign policy worthy of their sacrifice. Unfortunately, their civilian superiors at the Pentagon and at the White House have let them down in many ways, but particularly by referring to any troop, dead or alive, as just a number.

Instead of trying to justify a tremendously wrong-headed war by pointing to decades-old shells buried in the ground, the Bush administration ought to start engaging in a little something called diplomacy. By going on a diplomatic offensive, the United States will shift its role from that of Iraq's military occupier to its reconstruction partner. We need to engage the United Nations to oversee Iraq's economic and humanitarian needs. At the same time, we must publicly renounce any desire to control Iraqi oil and ensure that the United States does not maintain lasting military bases.

Engaging in diplomacy will give Iraq back to the Iraqi people, helping them rebuild their economic and physical infrastructure, creating Iraqi jobs, and ending the humiliation that corresponds with another country maintaining 130,000 plus occupying troops on their soil.

A strategy emphasizing the diplomacy is in line with an approach I call SMART security. SMART stands for Sensible, Multi-Lateral, American Response to Terrorism. Instead of throwing our military weight around the world, SMART security utilizes multilateral partnerships, regional security arrangements, and robust inspection programs to address the threats of weapons of mass destruction.

Mr. Speaker, to be able to address the true threats we face as a Nation, we need to retract ourselves from the very conflict that is damaging our national security on a daily basis, and there is one and only one, important way to begin this process. For the sake of our soldiers, for the sake of their families, for the sake of our very own national security, it is time to stop sacrificing lives and limbs. It is time to stop spending billions of dollars on this war, and it is time to bring our troops home.

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

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

PROPERTY RIGHTS IN AMERICA (ON THE ANNIVERSARY OF THE KELO DECISION)

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

Ms. HARRIS. Mr. Speaker, I rise today to mark the first anniversary of Kelo v. New London, the Supreme Court's misguided interpretation of the fifth amendment's restrictions on the taking of private property rights.

Both the Old Testament and Greek literature contain references to the government's ability to take private lands. However, in modern times, the exercise of eminent domain has been very limited and only used in public projects such as roads or the provision of electricity and telephone services.

Yet, nearly a year ago this week, the Supreme Court struck a devastating blow to this Nation's homeowners and small businesses when it ruled that government may seize private property and transfer it to another private owner under the guise of promoting community improvement for so-called economic development. As Justice Sandra Day O'Connor said, ''The specter of condemnation now hangs over all property.''

The Kelo ruling inspired citizens and legislators in more than 30 States, including Florida, to enact laws to limit the scope of eminent domain. Their outrage was echoed in the words and actions of many of us here in Congress, and last November the House of Representatives overwhelmingly passed H.R. 4128, the Private Property Rights Protection Act of 2005.

Yet, as quickly as our voices were raised in defense of our fundamental rights, they now seem to have fallen silent. H.R. 4128 lingers in legislative limbo.

In Riviera Beach, Florida, a poor, predominantly African American coastal community, city officials plan to use eminent domain to seize 400 acres of land to build a $1 billion waterfront yachting and housing complex, displacing about 6,000 local residents. Surely this is not what the Founding Fathers meant by public use.

Are we to tell the American people that private property is no longer guaranteed under the Constitution?

Mr. Speaker, the battle of individual rights and liberties cannot be a part-time engagement. The expropriation of private property for private transfer in the name of economic development is not an act that speaks to the tradition of Robin Hood; it is one that betrays our fundamental constitutional rights.

As James Madison eloquently wrote in the Federalist Papers, private property rights lie at the foundation of our Constitution. ''Government is instituted no less for the protection of property than of the persons of individuals.''

The Kelo case illustrates only one front in a broader battle to preserve the individual rights granted to all citizens under the Constitution. We must apply equal vigilance to protecting intellectual property rights. Safeguarding property such as artistic, musical, and literary works, as well as the commercial branding tools, promotes entrepreneurship and creativity, and incentivizes honest innovation. Moreover, protection for intellectual property plays an ever increasingly prominent role in today's global economy, promoting trade and influencing foreign direct investment. American explorers rely on intellectual property protection.

Mr. Speaker, property rights are basic principles of individual freedom, whether it is real property or intellectual property of which we speak. Today, I rise to marshal my colleagues in defense of this fundamental right of property ownership for every individual in every district that we are honored to represent from homeowners to entrepreneurs.

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

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

THE DEBT AND THE DEFICIT

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, today we granted a tax break of nearly $800 billion over the next 10 years to the wealthiest among us, and it made me think about a quote from children's literature, which I think is a good place sometimes to learn what we really ought to know.

We all know about the morality tale called the ''Lord of the Rings''; and one of them is called ''The Return of the King,'' and the main character is Gandalf, the magician. The children asked Gandalf what they are supposed to do, and he says, ''It is not our part to master all the tides of the world, but to do what is in us for the succor of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clear earth to till. What weather they shall have is not ours to rule.''

Now, we stand out here on this floor very frequently and talk about our children and what kind of a world we are leaving to our children, and we are leaving a world of debt to our children. The June 11 issue of the New York

Times magazine says, ''Debt,'' and the subtitle is, ''America's Scariest Addiction is Getting Even Scarier.'' Well, we added to the debt today.

Now, the question is, What does it mean when a country goes into debt? It means that we do not tax the people sufficiently for what services they expect, so we have to borrow the money. This year, we are borrowing from the Chinese the entire debt that we are creating in this year, some $300-some-odd billion that we did not raise in taxes, that we gave away this afternoon. We are going to go to the Chinese tomorrow and borrow that money.

Now, what difference does that make? Well, ultimately you have to deal with debt. You all have credit cards. You understand what you have to do with a credit card: you either pay it off, which means we have to raise taxes, or stop giving it away. Or in the case of a country, we can devalue our money.

□ 1900

You say, well, why, what difference does that make? Well, if our money, if the Chinese borrowed a dollar that was worth this amount, and we now drop it down by 50 percent, they have lost 50 percent of what they lent us. How do you think they feel when we do something like that? Well, the next time we come to lend, they say, give us a higher interest rate. Now, lowering the value of the dollar, which happened in 1983, 1985, some people remember when our money went down, and people lost a lot of money. That was a devaluation, and we are heading for another devaluation in this country.

When it happens, we will also have inflation because with the cheaper dollar we can buy more, and it is easier to buy foreign goods. So we will buy more, and they will buy our goods, and they will demand higher interest rates.

Now, the Feds try to control inflation by driving up interest rates. Some may even remember when our interest rates were 22 percent, when buying a house was absolutely impossible. Well, then interest rates came down because we changed our fiscal policy. We paid our debt. We started borrowing. Under Mr. Clinton we actually went into a positive state. We no longer were borrowing. We were actually taking in more and paying down some of that debt. But in the last years since 2000, we have just gone on a wild spree, and we have gotten ourselves deeper and deeper in debt. People like me worry about that because my children are going to pay for it, not me. In fact, it may be my grandchildren that pay for it.

There are two categories of debt that you have to worry about. One, of course, in this country is personal debt. Now, lots of people bought houses in the last year, last years, 5, 6 years, and they have been buying houses because the interest rates were low. They were buying on interest only, or they were buying on ARM, that means adjustable rate mortgages, and all of those had a term, an adjustable rate of 4 or 5 years, and those ARMs are coming due now.

Because of what is happening in terms of the dollar and in terms of inflation, the Feds are raising it every month. Since March of 2004, the ARM rate has gone up 59 percent, and it could easily jump 50 percent when these adjustable rates happen. Some people are going to lose their houses. Listen to the children.

The SPEAKER pro tempore (Mr. PRICE of Georgia). 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.)

WITHDRAWAL FROM IRAQ

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

Mr. LEACH. Mr. Speaker, last week the House entertained 10 hours of debate on the Iraq war. The unamendable resolution which formed the basis of the debate was a partisan measure crafted to be a simple endorsement of our troops, a subject upon which all Americans are united. But the resolution also scoffed at the notion of establishing time lines for withdrawal and thus implicitly sanctioned a prolonged engagement, implying that it might be considered a 21st century version of Lyndon Johnson's Gulf of Tonkin resolution.

During the debate, several of us suggested that the longer we stay in Iraq, the greater the prospect that forces of anarchy will multiply and spread, perhaps across oceans. I would like to amplify on this concern.

From an American perspective, the two central issues in our Iraq policy are how best to advance our long-term national interests and how best to protect our troops. At issue is whether a prolonged engagement makes better sense than a time-lined withdrawal policy.

The case for a prolonged engagement involves a neocon objective of establishing semipermanent bases in Iraq and neighboring emirates from which American military power, or the threat thereof, can be readily projected against Syria or Iran, or potentially Saudi Arabia if it were to become radicalized. It also allows greater flexibility in support of the new Iraqi Government. On the other hand, there is a thin line between being a liberating and an occupying power that many in the Muslim world either do not accept or think has been crossed.

Sometimes it is as hard to determine when to end a war as when to start one. It may have been a mistake to intervene in Iraq in the first place, but clearly a precipitous departure after our initial engagement would have been an error. By the same token, prolonging our involvement runs the risk of causing American forces supporting the Shi'a majority government to be seen by Sunnis as favoring one side in an intrareligious conflict. Worse yet, the longer we stay, the more we will be seen as an occupying force, embarrassing to the Muslim world, causing the prospect of a long-lasting conflict between the Judeo-Christian and Muslim civilizations to increase in likelihood.

It is important to give momentum to and solidify Iraqi democracy, but there are tipping points in all struggles. We are at a point where action/reaction engagements could all too easily and rapidly intensify in asymmetric and multigeographic ways if the struggle to build a new Iraq comes to be perceived as an imperial American imposition on Iraqi sovereignty instead of an effort by Iraqis working to shape their own future.

This is why it is so important that we reframe the discourse away from WMD and 9/11 concerns and define instead the establishment of democracy as our principal reason for intervention, and thus the logical basis for disengagement. Now that a Constitution has been written, elections held, and a government formed, we should forthrightly announce that we are prepared to draw down our troops in a measured, orderly way. A hasty departure would be imprudent, but the sooner the disengagement process begins, the better. Our goal may be to fight anarchistic forces over there rather than here, but we must understand that prolonging our involvement over there could precipitate a gathering storm of resentment which could make violence here more rather than less likely.

With regard to protecting our troops, it is impressive that in polling data reported by the Brookings Institute, 47 percent of Iraqis favor attacking American forces, and 87 percent favor time lines for withdrawal. Occupation is neither the American way, nor is it tolerable for Muslims. While precipitous withdrawal after our intervention might have led to civil war and a breakup of the Iraqi state, the logic of these polling statistics would seem to indicate that Iraqis have become weary of and humiliated by a foreign occupying presence.

The rationale for attacks against American forces would be undercut if Muslims had confidence that we were committed to an orderly and timely withdrawal policy. If we do not begin to leave Iraq now that democratic institutions have been put in place, anarchistic acts will continue, and the other side may be in a position to say when we eventually draw down our forces that they have somehow forced us out. Little would be worse for the American national interest or more demoralizing for all those who have

served so valiantly in combat there than such a preposterous claim.

This is why the implications of slogans like the need to stay the course can be so misleading. There is nothing more disadvantageous for our national security or more dangerous for our troops in the field than overstaying our presence.

The longer this war goes on, the greater the likelihood that anger will intensify in the Muslim world as well as among Muslims in the West, including the United States. The recent arrest of 17 young Muslims in Canada is a case in point. From news accounts it would appear that an accumulation of U.S. actions with which Canada was considered complicit triggered perfectly normal youngsters to consider violent and profoundly anti-democratic actions, including a plot to kidnap Canadian legislators and slit the throat of the Prime Minister.

As long as the conflict in Iraq continues and the Israeli-Palestinian issue remains unresolved it is only a question of time before other 9/11 type events or series of violent acts will occur in various parts of the world. Bringing the occupation to an end and resolving other Middle Eastern issues will not ensure against future violence but it could dampen the anger of millions of Muslims and reduce the prospect of a clash of civilizations.

The challenge for the administration is to determine when the new Iraqi Government is strong enough to stand on its own. Our presence is dual edged. We have helped train a new army, perhaps erring along the way in disbanding the Iraqi armed forces after the capture of Baghdad. But we also are the subject of anger and humiliation for many Muslims in and out of Iraq. The opposition continues for an assortment of reasons. Some relate to the centuries-old antagonism between Sunnis and Shi'a, complicated by the nationalist ambitions of the Kurds. Some relate to the millennia-old implication of the Crusades, memories of which hang over the Middle East the way the Civil War did for a century in the American South. And some relate to current events—the Palestinian-Israeli confrontation, the occupation of Iraq and, to a far lesser extent, the more understandable U.S. intervention in Afghanistan, as well as problems attendant to the unforeseen—Guantanamo, Abu Ghraib, Haditha.

We are in unprecedented times. But there are parallels from recent history that might provide glimmers of guidance for policy makers today. One from the Reagan era that I have always assumed stemmed as much from the President's wife, Nancy, the closet moderate within that administration, as any geostrategic planner relates to an attitudinal shift away from confrontation to diplomacy. In Reagan's first term he postured firmly in the anti-multilateralist, anti-arms control camp, objecting to negotiations with the evil empire. At the U.N., he ordered a U.S. withdrawal from UNESCO, one of the more financially bloated but least dangerous international organizations ever created. In reaction to a perceived anti-progressivism in his first term, two movements of educated citizens mushroomed in size. One, the environmental movement, was concerned with the confrontational policies of the Secretary of the Interior, Jim Watt; the other, which paralleled it in foreign policy, was the arms control movement. Thousands of fledgling advocates came to support the concept of a nuclear freeze in the context of SALT—strategic arms limitation talks. This movement gained so much currency that a poll of delegates to the 1984 Republican National Convention which renominated Reagan found that the majority favored a nuclear freeze rather than the intransigent negotiating policy then in vogue.

But the President, in a remarkable policy shift early in his second term upstaged his opposition by out-radicalizing it. Instead of pushing for a "status quo" SALT approach which would halt the arms race, he threw his support behind a more imaginative START initiative—a strategic arms reduction treaty—which would reverse it. The implication was a strategic oxymoron: America had to build up military might in order to reduce it.

An inconsistent geo-strategic policy was adroitly presented as consistency. In part because of the wisdom of the policy reversal, in part because of Reagan's unique personal capacity to persuade, in part because the persuader spoke from the bully pulpit of the Presidency, America began to lead the world as a force both of resolve and restraint.

A progressive might presumptuously hope today that on issues as diverse as North Korea, Iraq and potentially the Israeli-Palestinian challenge the Reagan policy-shift model beckons this President.

Since John Kennedy, all American Presidents have been obsessed with what their place in history may be. In most circumstances I cannot envision a more worthwhile or uplifting motivation. I am concerned, however, that an unnecessarily sticky situation may be developing with this presidency. My sense is that advisors are telling the President that his administration will be judged on the steadfastness of his commitment to a policy of continued military engagement in Iraq and, quite possibly, following through with a military confrontation with Iran. But might not the Reagan "consistent inconsistency" model be fortuitously adapted? Instead of following one military action with another, what if the President were to commence drawing down forces as democratic institutions take hold in Iraq? And having proven that he is willing to use force—as Reagan proved his willingness to escalate defense spending—the President could then plausibly point out that he is now prepared to negotiate from a position of strength with Iran and North Korea. But for such a change in emphasis—use of diplomacy instead of force—to take place, the administration cannot continue to fritter away time and opportunity. If it continues to refuse to offer the respectful attention that direct negotiations imply with countries like Iran and North Korea, our adversaries could wait us out, or tempt the administration into a highly dangerous confrontation.

The other historical model that gets little attention, except to serve as an apparent warning not to get too involved in African civil wars, is Somalia. Under this President's father, U.S. Armed Forces were deployed in a unique humanitarian intervention. The logistical capacities of the U.S. military were used to bring food and medical help to a war-torn society. This might have been a model of success rather than failure had events in the field not gotten out of hand. But over time, as one administration folded into the next, American forces in their efforts to provide assistance to starving people found it necessary to try to stabilize internal relations and thus do battle with anarchistic elements of Somali society. For many in Somalia this came to be perceived as siding with one side in an internal conflict. The disastrous consequence of becoming militarily engaged instead of simply humanitarianly involved may have relevance in a very different setting today—Iraq. Good intentions and heroic deeds can backfire.

In this context, one of the most constitutionally awkward pronouncements of the civilian side of this administration deserves review. The President and Secretary of Defense have repeatedly suggested that troop-level determinations in Iraq will be made by the commander in the field. This articulation, which at first blush seems indisputedly prudent, is perhaps related to the hammering the administration has taken, especially from supporters in the press and on Capitol Hill of the intervention, who hold that there would be far fewer problems in Iraq today if more troops had been committed at the outset. According to this reasoning, the mistake for any failure of policy rests not with the judgment call on going to war, but with the implementation of the decision.

It may be, as Colin Powell has implied, that once the decision to intervene had been made, it would have been wiser to follow the overwhelming force doctrine that is derived from military history but in recent times has come to bear the former Secretary's name. In any regard, whether or not the commitment of more troops would have made a significant difference in sealing Iraqi borders or bringing greater stability to Baghdad, both the military and civilian side of government have to think through the issue of who responds to whom on troop-level questions.

There are distinctions between tactical decision-making and strategic judgments. The former should be disproportionately military; the latter require greater and, at some point, total civilian involvement. In a historical sense it is worth remembering, for instance, that Harry Truman stood down the most popular military officer of the 20th century when GEN Douglas MacArthur attempted to widen the war in Korea. Decisions to end as well as begin wars are constitutionally proscribed.

The constitutional dimension of modern war making is not as clear-cut as the Founders might have surmised. This is the case because modem warfare, for a variety of reasons, is conducted without a formal declaration of war from Congress and because the law of the land, despite being unlikely to pass constitutional muster if tested in the courts, is the War Powers Act. Whether one approves or disapproves of the decision to intervene in Iraq, there is no question that because of a congressional vote to authorize the use of force, this war is legal. A strike without a precise Congressional authorization on Iran is more conjectural, but the War Powers Act which gives the President 60 days discretion on use of force as well as other war against terror resolutions, the NPT and possible future Security Council resolutions would presumably be used by the administration to justify executive discretion. Others might suggest that lacking an imminent threat rationale, the Constitution would seem to envision the need for congressional concurrence.

As one who is doubtful of the wisdom of intervention against Iran, I was disappointed

that an effort to amend the DOD appropriations bill this week to require prior congressional consent for a strike against Iran was defeated. In any regard, the executive branch, possibly with congressional advice, has two profound judgment calls to make in the near future: whether and how to end the Iraq war and whether and how to engage Iran. And here—based on public commentary within the civilian side of our government and the private observations of former generals—my sense is that it is quite conceivable that a rift could develop between the military and civilian elements of our government which would be the reverse image of the MacArthur/Truman confrontation. The professional military seems far more skeptical than the White House of the judgment of the neo-cons who drove the decision to intervene in Iraq and far more dubious than many on Capitol Hill about the wisdom of a preemptive strike against Iran.

With regard to Iran, I am impressed how congressional leadership of both parties, at least on the House side, remains confrontational. This is one reason I feel that it is important to emphasize the appropriateness of bipartisan criticism as well as bipartisan support for executive branch foreign policies. Partisanship should stop at the water's edge; but judgmental capitulation must never occur. Closed-mindedness is the enemy. Members are obligated to review decisions made and oversee actions taken by the Executive. It is the question of motivation that must be above partisan reproach. The only motivation consistent with our pledge to uphold and defend the Constitution is to concern ourselves exclusively with the national interest. Neither concerns for political party advantage nor individual ambition should play a role in foreign policy judgments.

Over the years I have become impressed by how within Republican administrations there is a tendency of political appointees, particularly in the White House, to advocate confrontation over diplomacy. My sense is that there is a lot of frustration within high levels of the military with what might be described as an immature, ideological machismo among key political appointees. It would not be surprising to me if in the next couple of years it falls to the professional military and career CIA and foreign service officers to raise cautionary flags about various policy options.

In conclusion, as a representative of a State which has disproportionately provided Reserve and National Guard forces for the Iraqi conflict, I am struck by an extraordinarily impressive aspect of America's involvement in Iraq. In one of the most psychologically and militarily difficult settings ever to confront U.S. Armed Forces, the morale of our troops and their families at home has never ebbed and the patriotism of volunteer soldiers has never been challenged. This reflects well on their character as well as on their dedication to duty. There may be question whether intervention should have occurred, but once our troops were committed there is no question that it is in the national interest that they succeed.

What remains at issue is whether longevity of commitment contributes to or undermines the success of the mission; whether IED attacks and skirmishes at the field level escalate or diminish; and whether diplomacy or lack thereof leads to a more peaceful or violent world.

NATIONAL FLOOD INSURANCE PROGRAM

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I have the great fortune to represent the people of south Mississippi, and on behalf of the people of south Mississippi that suffered substantially in the loss of about 40,000 houses in late August of last year to Hurricane Katrina, I want to thank my fellow Americans for all the wonderful things they have done for us, for their financial help; for their college kids who came down and gave up their spring breaks to help out people; the church groups, the Rotarians, and individuals who came to provide medical care. There was a tremendous showing of generosity, of support to some people who needed it, and I hope I will never fail to thank the American people properly.

Mr. Speaker, I also want to, on behalf of the people of south Mississippi, express an outrage on the handful of southern Mississippians and southern Louisianans who abused that generosity. I do not think anyone wanted to see that happen, and certainly those who have broken the law should be prosecuted to the full extent of the law. I am sure the people who have read that their tax dollars were used to help somebody go to a gentleman's club or get someone get a sex change, they should be justifiably angry.

But let me tell you what the biggest Katrina fraud of all was. It was not done by a guy living in a FEMA trailer. It was not someone down on their luck. It was by corporate America and, in particular, the insurance industry in America, and next week this House will have an opportunity to do something about it.

Mr. Speaker, because of the unprecedented amount of losses because of Hurricane Katrina, our Nation will have to put $25 billion into the National Flood Insurance Program. I am going to vote for that. It is important. It is going to help a lot of people, but I would hope that my colleagues, when they do that, would amend that bill to require an investigation by the insurance industry in the post-Katrina world, and let me tell you what I know to have happened and what I think a Justice Department investigation will prove.

Mr. Speaker, when Congress wrote the National Flood Insurance Plan way back in the late 1960s, they called for the insurance industry to write the policy, even though it is a Federal flood insurance policy, but also to adjudicate the claim, to send their adjusters out to decide what happened to that dwelling and how much was it hurt and what would it cost to fix it.

The immediate conflict that was drawn in there was that person who may work for State Farm or Allstate or Nationwide, who may have stock in their company, who hopes to get promoted with that company, who may be looking for a Christmas bonus, is suddenly in a position when he walks to one of the 40,000 slabs in south Mississippi that are there in the days after the storm, he has got to decide whether the wind did it, and therefore, State Farm is going to pay, or the water did it, and the taxpayers are going to pay.

Let me tell you about an interesting coincidence in America. Last year, the private insurance industry had a profit of $44 billion. The National Flood Insurance Program lost $25 billion, the same year. How does this happen? Well, let me tell you what happened.

That insurance adjuster who works for State Farm or Allstate or Nationwide walked out, and in every instance blamed all the damage on the water, but that is completely contrary to what the Navy Oceanographic Command says. The Navy Oceanographic Command tells us in south Mississippi we had hurricane-force winds for 6 hours before the water ever showed up.

So what does this do? For the individual homeowner who had a flood insurance policy and a wind policy, they have been denied across the board. We have a U.S. Federal judge who cannot hear these cases of people who feel like they have been wronged because he, too, is suing his insurance company. In the other body, Senator LOTT, who has been extremely supportive of the insurance industry during his entire congressional and senatorial career, is filing suit against his insurance company.

So if the insurance company is willing to take on U.S. Senators, if they are willing to take on Federal judges, what do you think the moms and dads and grandmas and grandpas of south Mississippi, what kind of chance do they have?

So it is wrong on an individual case, but let me tell you why it is wrong for all of you.

Remember, every time they said the water did it and not wind, the taxpayer paid the claim, and so now we have to raise $25 billion, probably of borrowed money, to pay claims that should have been paid by companies that had a profit of $44 billion. There is no Federal regulation of the insurance industry, but there is a law called the Fair Claims Act.

The biggest abuse, the biggest fraud that has occurred since Hurricane Katrina has been by the American insurance industry. Next week this House will have an opportunity to look into what I have just told you, the allegations that billions of dollars that should have been paid by the private insurance industry were instead paid by the American taxpayer.

How is it that during the same storm season the private industry makes $44 billion while the taxpayers lose $25 billion? Under the Federal False Claims Act, if indeed these companies did that, then they will be fined millions of dollars, and their corporate executives

will go to jail, a fate they richly deserve.

So, Mr. Speaker, I am asking for two things: Next week, when the National Flood Insurance Renewal Program comes before the House, I am asking for an inspector general investigation of the insurance industry to see whether or not claims that should have been paid by the private sector insurance industry were wrongly stuck on the American taxpayer. And I am asking for your support.

Mr. Speaker, I will note that two of those insurance industries that I think were the biggest culprits reside in Illinois. But I also note that two-thirds of all the campaign contributions from the insurance industry went to your political party. So the real question is, Mr. Speaker, are we going to look out for the American people, or are we going to look out for your contributors?

That decision will be made next Tuesday.

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

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

HONORING MYLDRED E. JONES

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

Mr. ROYCE. Mr. Speaker, I rise today to pay tribute to an exceptional woman from my district, Myldred E. Jones, a resident of Los Alamitos, California, for 38 years, a retired Navy lieutenant commander, and founder of Casa Youth Shelter, and she passed away at the age of 96 on Monday, June 19.

She was a consultant for Youth Affairs for former Governor Ronald Reagan, and during that time, she recognized the desperate need to shelter runaway and throwaway teens who faced danger on the streets. So she cofounded the first adolescent hotline, which quickly spread across the Nation and is now international in scope. She founded We Care and Hotline of Southern California, dedicated to youth in crisis.

□ 1915

At the age of 69, when most people are settled into retirement, Myldred sold her home to finance another nonprofit corporation, Casa Youth Shelter. Her vision and dream of helping children in need became a reality, and the woman who began by sacrificing marriage and children for service to country, dedicated 29 years to accepting and loving and sheltering at-risk youth.

She was born in Philadelphia, the second of four children. She earned her B.A. at Wittenberg College in Springfield, Ohio. She did her graduate studies at UCLA. In 1942, the wartime call to service led her into the Navy as part of the first contingent of California WAVES to be called to active duty. She served with distinction during World War II and the Korean War, rising to the rank of lieutenant commander, and she was the first female faculty member in the Armed Forces Graduate School of Information. She served as assistant director of the Department of Welfare-Navy Relief Society and as the naval liaison to both the United Nations and the American Red Cross. After her military discharge, she was active in the civil rights movement, marching with Martin Luther King from Selma to Montgomery. She also joined with Cesar Chavez on his marches for the United Farm Workers.

Myldred's military and humanitarian accomplishments were recognized by five of our United States Presidents, and I am very honored to stand before you today to remember the life of such a caring and compassionate social-entrepreneur citizen and patriot. She will be remembered and truly missed for her lifelong dedication and service.

IN HONOR AND REMEMBRANCE OF COLONEL YOUNG OAK KIM

Mr. Speaker, this month marks the 56th anniversary of the outbreak of the Korean War, and I am saddened to report that Colonel Young Oak Kim, an American hero in the Korean struggle, passed away on December 29, 2005.

Colonel Kim served admirably in the United States Army since January of 1941, during World War II. He was assigned to the 100th Infantry Battalion, a segregated unit of Japanese Americans. When asked by his commanding officer if he would like to transfer, knowing the historical conflicts between Koreans and Japanese, Kim stated they were all Americans and they would fight together.

Kim is remembered for the Battle of Anzio, in which he volunteered to capture German soldiers for intelligence information. He crawled over 600 yards under German observation posts with no cover. He captured two prisoners and obtained information that contributed to the fall of Rome. Consequently, he was awarded the Distinguished Service Cross. He reenlisted in the Army in 1950 and entered the Korean conflict with poise and bravery. He took part in the U.N. Forces drive into the north, leading a battalion, and was awarded a second Silver Star and a Bronze Star for his relentless efforts in a series of battles which pushed the final DMZ north.

Colonel Kim's successes on the battlefield came with a price. Both of his legs were seriously injured, but retiring from the Army only energized his continuous dedication to walk on the path of democracy and freedom. He dedicated the rest of his life to founding many Asian American civic organizations and serving on the board of the Go For Broke Educational Foundation which keeps alive the American values of courage, honor, determination, loyalty, and justice for all.

Colonel Kim was the recipient of three Purple Hearts, the National Order of the Legion of Honor, the highest military honor in France, for his efforts in taking French towns, and the Knight Grand Cross Military Order of Italy, the highest military honor there, recognitions that underscore the courage Colonel Kim embodied that eventually contributed to the defeat of fascism in Europe and the containment of communism in East Asia.

There is no doubt that his courage and sacrifice is to be treasured, and sometimes it is through bitter conflicts that the best of our country shine bright amidst the seeming darkness and despair that this 56th anniversary may remind us of. It is through times like these that we reflect on the unity, the unity of our countrymen and the unity between the United States and South Korea, that will lead to better global cooperation and peace in the years to come.

Mr. Speaker, in conclusion, I would like to join our united country in saluting Colonel Young Oak Kim, a genuine American hero.

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

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

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

(Ms. KAPTUR 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 gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas 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 gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

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

30-SOMETHING WORKING GROUP

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

Mr. MEEK of Florida. Mr. Speaker, I want to start by commenting about a

previous 5-minute speech given by Mr. TAYLOR of Mississippi, and I want him to know how much I appreciate his representation of his district and sharing with the House some very vital and important information. As he mentioned, we will be considering legislation that will be dealing with the issues that he pointed out.

Mr. Speaker, again, we are glad to be here, the 30-something Working Group, to come to the floor with the help of so many of our colleagues. Tonight we have a special guest, Mr. RYAN.

Mr. RYAN of Ohio. Tonight is a great night. Tonight is like super 30-something night. This is like great stuff. I mean, I am excited. I may need to sit a couple plays out tonight, because not only do we have the chief Blue Dog, we are hoping that at some point during the course of the night that he will deputize us as maybe Blue Pups tonight. I want to be a Blue Pup tonight.

Mr. MEEK of Florida. Well, reclaiming, sir.

Mr. RYAN of Ohio. Please.

Mr. MEEK of Florida. I am glad to be with Mr. TANNER and also his colleague from Ohio, Mrs. STEPHANIE TUBBS JONES. Mr. TANNER of Tennessee has really been the leader in the House as it relates to accountability, as it relates to working with Mr. SPRATT on pay-as-we-go. He was around when we balanced the budget and we did some of the things that we needed to do on behalf of this country.

So we are so glad he is here tonight to share with the 30-something Group and also with the Members of the House on what we should be doing versus what we are doing right now.

I yield to Mr. TANNER.

Mr. TANNER. Well, I thank you, you fellas. The 30-something Group is rendering great service to our country. It is about the only way I know to turn the clock back and be youthful again is to associate with the 30-something hour. I want to speak for all of us who admire your work here and thank you very much for what you do to try to alert the American public and your generation to what I believe will be disastrous consequences for our country and our citizens if we continue on the course that we have embarked on for the last 60 months or so.

I wish I was making up what I am about to say, because when I tell people about the financial mismanagement and irresponsibility here in Washington that has gone on for the last few years and is continuing, people have a hard time comprehending that.

When I tell them that the GAO, the General Accounting Office, reports that 19 of 24 Federal agencies can't produce an acceptable audit, in other words they can't tell you what happened to the money that the Congress involuntarily removed from the taxpayers' pockets and appropriated to the administration, 19 of 24 Federal agencies can't tell you what happened to it. They can't produce an audit. People are amazed.

It is a function of the Congress to oversee the monies appropriated to any administration, and this Congress has abdicated that constitutional responsibility to the American people. I mean, no private enterprise in this country would tolerate what all of us are tolerating in our public lives. Can you imagine a private company, a CEO, or just anyone going to the treasurer or to the comptroller and saying, here is an expenditure of $10,000, do you know what it is for? What happened to it? And the answer is, well, I don't know, I can't find it, I couldn't tell you.

Nobody in private enterprise in this country would put up with that, yet that is exactly what has been going on here in this one-party political town. You have a compliant Congress, a friendly administration, and so not only is Congress not asking the administration what happened to the money, if they ask them, they can't tell them.

So what we have done is introduced House Resolution 841; that basically says what all of us believe ought to happen in our own private businesses and what happens here in our public business that affects everybody. It simply says this: When an Inspector General report comes back from any of these agencies and says either, number one, we can't find the money that has been appropriated; or, number two, this program, in government talk, is a high-risk program, and what that means really is that this program is not working like Congress intended for it to when it passed it to begin with, when those two things occur, House Resolution 841 provides that by law Congress must hold a hearing.

Right now these Inspector General reports are just gathering dust. There are no hearings on what has happened to the money. So we are putting into law, hopefully, if we get enough votes to pass it, we are just telling Congress you ought to do your job. You ought to oversee this spending that is going on.

I mean, I can't imagine anyone who would argue that it is not a good idea that we audit the books every now and then and see where the money is going that is being removed involuntarily from taxpayers. Who would be against finding out where the money went? I just can't imagine.

Mr. MEEK of Florida. If you would yield a moment, Mr. TANNER, I can tell you right now that there are a lot of things we should be doing, or the Republican majority should be doing but they are not doing, and we don't have the opportunity to do it because we are in the minority.

Again, it is good having you and Mrs. STEPHANIE TUBBS JONES, especially from the Ways and Means Committee, talking about the accountability and the ways and means of doing things. I am glad that you have this bill filed. And I am happy to know about it, because I am writing here a note to my folks that I need to be a part of this, because that is what we are talking about here almost every night, accountability, with these Inspector General reports stacking up.

As you also know, Mr. TANNER, the head person of the GAO has this working group moving around the country talking about what is happening in this government, the lack of accountability, the lack of oversight. Mr. RYAN and I met with him in the office. And this is bipartisan conservative and ''liberal groups'' going around. They have come together on behalf of the country because all this money is being spent with very little accountability.

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Mrs. JONES of Ohio. Mr. Speaker, I am happy to be on the floor with the 30-somethings. I am 30 plus almost 27. I am proud to admit that I am 56, and I think I am doing all right. I am glad to be here with my sons, as I call KENDRICK MEEK and TIM RYAN, an my colleague on Ways and Means.

The most interesting thing is, if you think about it, remember when the Iraq war began, and there are millions of dollars that they can't account for. They said it was so crazy over there, they couldn't figure out where the money went. And the most recent reports about FEMA, about moneys that should have gone to help Katrina victims, they can't account for.

So I am with my colleague, Mr. MEEK, saying Mr. TANNER, great piece of legislation. Keep on pushing it. We are going to help you make sure that the Members of Congress, both Democrat and Republican, say to the people of America, we are going to account for the dollars. The Ways and Means Committee, we raise the means to do things, and here we have people messing with the dollars we have expended. I am pleased, Mr. TANNER, to be here with you tonight.

Mr. RYAN of Ohio. The point I would like to make, and this is why I am such a big fan of Mr. TANNER, I think this helps us convince the American people and shift our party into a direction that says we don't want to go and tax people. We know that they struggle with health care and gas prices, college tuition, all of the costs we review here every night, increased by 40 and 50 percent.

What Democrats in 2006 are saying, following the lead of the Blue Dogs, is that there is waste in the government. We need to audit and find out where that money is so we can take that money and invest that money in education and invest that in health care and invest that into all of the programs that we believe in, our priorities.

This is for me, personally, 32, 33 years old and a new Democrat in many ways, this is a beautiful thing because this is the vehicle, your piece of legislation, that I think changes our party in 2006 and gets us ready for the next century to say that we don't want to tax anybody any more than we need to run the government, but we can never go back to the taxpayer until we first

say we are spending your money responsibly.

Mr. TANNER. Mr. Speaker, people say all the time why can't government run more like a business? As I said earlier, no business would tolerate what we are tolerating here with this abdication of Congress' responsibility to keep up with the money. The very least the American people should expect from Congress is for Congress to oversee the money they remove from people involuntarily through taxes. The very least we ought to be able to do is tell them what happened to it.

The other part that this resolution addresses is, one, when they can't tell us what happened to the money; two, when the program is identified as high risk, that means it is not working; and three, when the auditors disclaim the audit report.

I want to read what the auditors said when they tried to audit the Department of Defense. ''We are unable to give an opinion on the fiscal year 2005 DOD financial statements because of limitations on the scope of our work. Thus, the financial statements may be unreliable. Therefore, we are unable to express and we do not express an opinion on these financial statements.''

That is on the first page of the audit. What they are saying is we don't know whether what you are about to read is true or not.

Listen to this from the Department of Energy. ''Audit work performed by the contract auditor identified significant deficiencies in financial management and reporting controls related to the Department's fiscal year 2005 consolidated financial statements. Specifically, the Department was unable to correct previously described weaknesses and could not provide a number of supporting documents required for audit.''

What they are saying is here is this report, but read it at your own risk, we don't know whether it is true or not.

Homeland Security. ''Unfortunately, the Department made little or no progress to improve its overall financial reporting during fiscal year 2005. The auditor was unable to provide an opinion on the Department's balance sheet.''

If that were in private business, the CEO of those businesses would be going to jail under the SEC rules if their stock traded on the exchange.

This is not rocket science. The least the American people ought to expect from this Congress or any other Congress is to be able to account for the money that we take away from the citizens in the form of taxes. These people are not doing their job. This is replete.

I have gone through some of these reports, it is unbelievable. There is not a hearing from Congress. There is nobody being subpoenaed up here saying, what happened to the $10 million that is here that the auditor said they can't find? Nobody is asking those questions. Congress is not asking it. If they asked it, they couldn't tell them. That is wrong. It is wrong to the taxpayers. It is wrong for this Congress to allow this to continue to go on.

I hope we can get H. Res. 841. The gentleman from California (Mr. CARDOZA), another Blue Dog, has H.R. 5315, and he says basically in that bill that when a Cabinet Secretary's department cannot produce an audit after 2 years, they have to go back before the Senate and be reconfirmed. In other words, you are in charge of this department; what happened to the money that was removed from the taxpayers' pockets and we gave it to you to spend? Where is it?

I can't tell you.

The second time he comes up here and says, ''I can't tell you what happened to the money,'' he has to be reconfirmed because he is obviously incompetent because he can't do his job, or her job.

This is just basic good government. It has nothing to do with politics, it has to do with running the government's business like we would run our own. That is what people send us here to do, and that is what is not being done, and that is why it is so wrong.

Mrs. JONES of Ohio. I am reminded of one of the hearings in the Ways and Means Committee where then-Secretary Snow was before the committee. This was before we actually got into the Iraq war.

I said, Mr. Secretary, you used to run a business. Tell me what trustees or board of directors of any business would say to you that you can have a supplemental outside of the budget that would increase significantly the deficit, and you don't have to include it in the amount of dollars we are expending?

He said to me that the President doesn't want to go to war, so it is not part of the budget.

I said, wait a minute. I know that there are tankers over there, there are men and women over there, there are arms over there, and we are spending dollars to feed and clothe them. That ought to be part of the budget. The American people should know what kind of money we are spending and not have it off side.

That is what this administration has been so good at in all of these supplementals. Many of us vote for the supplementals because we want to support the troops in Iraq and Afghanistan, but it is bad budgeting. I know if Secretary Snow ran his business like he ran the government, and he is gone now, but he would be put out of business if he ran a business like this.

Mr. TANNER. If the United States of America were a business, it would be classified as a failing business enterprise, and I hate to say this about my country. We are now in a structural deficit situation. In the business world where I come from, you can handle a cyclical deficit. That is if you have a bad year, if you had a bad year and so forth.

Under this scenario of this regime running the Congress and running our country and running the White House, we have a structural deficit. It never balances. Anybody in business knows that is unsustainable. That will not go on forever. Unless they figure out how to repeal the laws of arithmetic, we are in a structural deficit situation that cannot continue.

What does one do when one takes over a failing business? The first thing one does is find out where is the money coming from and where is it going. The first thing I want to do, we know we can pretty well figure out where the money is coming from from Treasury because they can tell you who is paying taxes. We can't tell where it is going. That is why we need this bill. We need accountability, and we need this bill.

When we appropriate money to anybody, any administration, if they can't tell us what they did with it, they ought not to get it next year. That is what you would do in your private business; that is what we ought to do as Members of Congress with the public business.

Mr. MEEK of Florida. Mr. TANNER, I am pulling this information from the Heritage Foundation, which is one of the most conservative foundations in Washington, D.C., if not the leading. In fiscal year 2003, $25 billion of taxpayer money went unaccounted for according to the Department of Treasury, again a third-party validator.

Basically they are saying that $25 billion can fund a full year at the Justice Department, according to the Heritage Foundation. So this is real money that is missing. Taxpayers dollars can go into funding an entire Justice Department, which has a number of employees and is charged with carrying out a great deal of responsibility on behalf of the American people.

Mr. RYAN of Ohio. And what is the end result of all of this wasteful spending? I think it is important to point out what the long-term effects are.

When President Bush took office, our debt limit was $5.9 trillion. As you can see, and these charts are on HouseDemocrats.gov/30something, in June of 2002, it increased by half a trillion dollars.

May of 2003, another debt limit increase. November of 2004, another one. March 2006, another one. The budget this year for 2007, the budget resolution will raise our debt limit to $9.62 trillion. By 2011, the debt limit under the Republicans will almost double from when President Bush took office.

Now we are trying to say that we want to audit the government and save money and make sure that we invest it properly into our priorities that will lead to economic development, and it is clear that the Republican majority, which controls the House, Senate and White House, has been fiscally irresponsible not only with the way they lack enforcement, they don't audit and pay attention to where the money

goes, and then they turn around and borrow it from China and Japan and OPEC and all of these other countries and run us into this huge structural debt that hurts the economy long term.

Mr. MEEK of Florida. Mr. RYAN, there is a chart which shows the priorities of the majority, and I wish you would share that chart.

Mr. RYAN of Ohio. This is the interest payments on the debt. This is the 2007 budget of what we are going to pay. It is about $230 billion just on interest on the debt. So all of those numbers we were showing, this is big time.

Mrs. JONES of Ohio. It is like a bad credit card bill.

Mr. RYAN of Ohio. To make a point, when we were talking about what we have control over in our own government and how we can streamline and do the audit and make sure that everybody is held accountable, I bet we know exactly where every single one of these dollars goes. There is someone in China on the other end saying, you owe me another 10-, and I want it here right now. They are not waiting around to say where did that $10 million go? We know where all of this $230 billion went.

Mr. MEEK of Florida. I know this is along the line of accountability, and I think this chart is a testimonial to the lack of accountability and the spending that has been going on in this House by the Republican majority. I think it is important when you say a charitable House of Representatives as it relates to the policies coming out of the White House, this is what happens. $1.05 trillion has been borrowed in the last 4 years, which is record-breaking in many ways, and historical in the wrong ways as it relates to what the President and the Republican majority has done.

And the $0.1 trillion over 224 years borrowed from 42 Presidents, that is all they were able to muster up. World War I, World War II, a number of other conflicts, the Great Depression, still record-breaking and borrowing money in an irresponsible way.

Mr. RYAN also mentioned who is buying all of this debt. I am not blaming the American taxpayers. They don't have a voting card. They have representatives up here, but they don't have a voting card. Japan has borrowed $682.8 billion of our debt and counting. They own a piece of the American apple pie, and it pains me to see these countries over the silhouette of the continental United States, but this is exactly what's happening, and this is the way we need to break it down.

China, $249.8 billion of the American apple pie, not because of the American people, but because of the Republican policies.

Mr. TANNER. If you add Hong Kong, that is over $300 billion that China controls of our paper.

Mr. MEEK of Florida. I am glad you are here to share that information, and you are 110 percent right.

The U.K., $223.2 billion.

The Caribbean, $115.3 billion.

Taiwan and counting, $71.3 billion of our debt.

Again, this is not the American taxpayer, this is what a charitable Congress has done with the President's policies.

And you let some individuals tell it on the other side of the aisle, they will say we are doing great.

For the first time in the history of the country, these countries have had their hands in the pockets of the American taxpayer, and having us pay with interest. Like Mrs. JONES mentioned, it is like borrowing on a credit card.

OPEC nations, you are talking about Iran, Saudi Arabia, a number of the countries that many Americans have questions about, oil-producing countries, they are in on the game. Not only are we paying through the nose for petroleum, they own $67.8 billion.

□ 1945

Germany, $65.7 billion; Korea, $66.5 billion; and Canada, just north of us, $53.8 billion. They are in on this feeding frenzy. And the reason why we have this silhouetted Continental United States and the American flag, we want to get back to this.

Mr. Speaker, we are the only party here in this Chamber, including, we would add, the one Independent that actually votes with the Democrats on this side. If we want to get back to a debt-free America, then we have to go on pay-as-you-go policies, which just today, just today, just today, Mr. TANNER, just today, Mrs. STEPHANIE TUBBS JONES, there was a vote on this floor to move in a pay-as-you-go policy, and the Republicans voted against it. United voting against paying as you go. That means if you are going to spend the money, you have got to show where you pay for it. And still that policy is not in place.

And, Mr. TANNER, I know that you have worked day in and day out. I have watched you here on this floor. I watch Mrs. TUBBS JONES in Ways and Means talking about, if we are going to do it, what are the means? How are we going to do it? And it is continuing to be placed on a credit card.

We usually use old charts, but today I think it is important for us to say that just today, on this floor, Republicans continue to move in the direction, I would say the leadership, continues to move in the direction of allowing these countries to have their hands in the pockets of the American taxpayers.

And it goes simultaneously with the two pieces of legislation that you have shared with the Members and the American people today, House Resolution 841, that you have offered and also Mr. CARDOZA's legislation as it relates to House Resolution 5315, that talks about this kind of accountability, forcing the Congress to carry out section 1, article I of the U.S. Constitution, which is boiler plate.

Mr. TANNER. Well, I am going to have to go, but I want to thank you all again for letting an old guy like me pretend I am 30-something again. It is a real thrill to do that, because your generation, I have two children in their 30s, and I have two grandchildren, one on the way. And when I see this country in an unsustainable financial downward spiral, I feel great remorse from my generation's standpoint, because we are not doing what our forebears did. To allow a situation to go on where there is no accountability, where Congress is not asking any administration, this has nothing to do with politics, it has to do with good business principles in the public sector, which I think all citizens of this country not only expect but deserve, and that is, this Congress ought to, at a minimum, be able to tell the American people what happened to the money. And they are not even asking this administration. And if they did, they couldn't tell them. That is just plain wrong.

And these bills, I hope some of our Republican colleagues will sign on. It seems to me like they would want to audit the books as much as we do. I mean, I just hope that this is the first step of accountability into the public sector so that when we get an audit from any Department, the auditors can identify what happened to the money, whether or not the program is working, and so we don't get these disclaimers that say, everything you are about to read in this audit we have no idea of. We don't know whether it is true or not. Go ahead, be my guest and read it, but we can't vouch for any of it because we don't know, and they can't tell us. That is just, it is not only grossly irresponsible for this Congress to let that go on, it is really a generational mugging. And you 30-something guys, I appreciate you and your group, because you all will ultimately bear the terrible consequences of continuing down this road of no accountability in the Federal Government. And so I thank you again for allowing me to be here.

Mrs. JONES of Ohio. I am laughing, Mr. TANNER. Remember when we had the IRS hearing, and the IRS decided that they were going to go look for waste, fraud and abuse in Earned Income Tax Credit instead of looking for waste, fraud and abuse in the larger corporation and what they were doing with the Tax Code?

I am not against business. Democrats are pro-business. We know that if we have business, people have jobs. But the reality is when you want to look for waste, fraud and abuse, you don't look for somebody that is paying a dollar in taxes. You look for somebody who is paying a whole bunch of dollars or who is getting a whole bunch of dollars from the American public to do a job and they don't do the job.

Mr. TANNER. You can look around. I could hit a driver and a 3-wood most of these places. They could start right here in this town just trying to find

out what did you do with the money we gave you.

Mr. RYAN of Ohio. That is probably a driver, a 3-wood and a 7-iron for you.

Mr. TANNER. And a pitching wedge to boot. Thank you all.

Mr. MEEK of Florida. Thank you, Mr. TANNER. We definitely appreciate your contributions. And I like this whole generational mugging piece. You are going to hear that again. That is a great one. And it is so good, Mr. RYAN, to have Members of the Ways and Means Committee here, because they hear this constantly, and the policies are passed through that committee as it relates to how we tax Americans, corporations, what have you. And to see the waste on the other side of the ball, on the government, which we are supposed to oversee, and make sure that those dollars that are being collected from the American taxpayer or the American corporation or whatever it may be, that it is spent in an appropriate way and that we are accountable for it.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. Sure I would yield.

Mr. RYAN of Ohio. We had a wonderful, and I am going to share this with the Speaker and the House, we had a wonderful conversation about three weeks ago with Alvin Toffler, who wrote ''Future Shock,'' and then wrote this new book, ''Revolutionary Wealth.'' And he goes into how civilization during the Industrial Age was much different than it is now.

He used the example of 9/11, about how this decentralized, information-based, cells popping up al Qaeda, basically a private group, moved money and information around the world on cell phones and very decentralized, attacked us. And our response was to build a 20th-century pyramid bureaucracy called the Department of Homeland Security because that is what we know how to do. We know how to build these bureaucracies. And how we are living in an age that no longer represents, those kind of bureaucracies no longer address the needs of the American people.

So this audit and what Mr. TANNER and Mr. CARDOZA are trying to do is squeeze this government, squeeze these bureaucracies, get the fat out of them and find out where we can gain resources and invest them into the new programs, the new technologies, the new ways of doing things. And Democrats are for this. And I am excited about this summer and this fall for us to go around the country and talk about this new approach that we have because people say, oh, the Democrats aren't going to do it.

We are experiencing the implementation of the neoconservative agenda right now. They haven't done anything. They are spending like drunken sailors. We are running huge budget deficits. We are spending $230 billion a year, just paying interest on the debt. We are borrowing money from China and Japan and all of these other countries and funding these long-term structural deficits that we have.

We need an opportunity to take over this government, and let us start auditing this thing. This is a new Democratic Party, Mr. Speaker, that wants to squeeze the fat out of this government.

The Republicans had a lot of good talk in 1994. But even their own leader, Mr. Gingrich, Speaker Gingrich is saying now they are in charge, they are seen as in charge of a government that can't function.

Mrs. JONES of Ohio. Perfect example was today when we started talking about the estate tax. And there are different views on the importance of the estate tax. But reducing the estate tax puts in place, how do we pay for what was covered by the estate tax? And how do we pay for it? They don't even account for it. They just reduce it or get rid of the estate tax and say, okay, I am going to leave you to fend for yourself as to how you cover it.

Pay-as-you-go, they fussed at us. Well, if you want to increase college loans, or if you want to increase money for Social Security, or if you want to increase money so that seniors can get a prescription drug benefit, or you want to increase it so seniors can be covered with Medicaid, pay for it. But they don't ever talk about paying for it and a reduction of taxes.

And there are a lot of Democrats who certainly believe that we should not reduce taxes. But regardless of where you are, pay-as-you-go is language that everybody understands. My father used to say, if I have $5 and beef costs $5, I am going to buy me a pound of beef for $5.

Mr. MEEK of Florida. Mr. RYAN, I think, and also Mrs. TUBBS JONES, I think it is important that we look at this issue of the irresponsibility of the Republican majority. They are being very irresponsible. And to say that that is fine, we will give you what you want, of course, Mr. Speaker, I think we are going to see more of that kind of action by the Republican majority to say that, oh, we are with you, even if we are running the country into the ground.

We know better. We know that we have foreign countries that we are borrowing from because we can't even borrow from ourselves anymore because we have done such a bad job. We know we have raised the debt ceiling time after time after time again. Meanwhile, we come to the floor and say our policies are working.

We know that there are things we should not be doing because you are working every day or you are running your business every day. You may not be paying attention to everything that is going on. Not only are we elected but we are paid to watch out for your best interest and also for future generations' best interests. And they are doing it.

And I think that the paradigm shift as it relates to the American people paying attention to what they are doing in a way, from a fiscal way, I think, will take place between now and November.

And so what is so unfortunate about this whole situation, Mr. Speaker, is that we are supposed to be responsible policymakers on a bipartisan basis. And that is not happening right now. That is just not happening. The American taxpayers are getting mugged, knocked down and kicked by this Republican majority and the rubber stamp, or the rubber-stamp Congress, Republican majority that is here.

Now, one other thing I want to mention here, which I think is very, very important, just today, Mr. RYAN, Mrs. TUBBS JONES, we don't have to go back, Mr. Speaker, to weeks or months or 2 years ago or 3 years ago. We had a pay-as-you-go provision here. Individuals decided not to take it up.

We had an opportunity to raise the minimum wage on behalf of the American taxpayers. The Republican majority rejected an opportunity to raise the minimum wage for everyday working Americans.

As a matter of fact, Mr. RYAN, one of the Republican leaders said, I haven't voted in 25 years, Mr. Speaker, to raise the minimum wage. And if he would have had his way, the minimum wage would still be $3.35 versus $5.15.

I am so glad that my State joined 21 other States in raising the minimum wage. Meanwhile, we are still here with chisel and hammer in hand as Neanderthals on the Republican side of the ball and saying, oh, we don't have to raise the minimum wage. We are so indebted to the special interests that we don't even want to bother them of having an American public that is able to pay the rent or pay for their house mortgage or to be able to put gas in their tank. We are so invested in the K Street Project, we are so invested in so many other things that we are willing to allow these individuals to suffer.

But guess what? Those are the same individuals that are making America America. And there are millions of Americans that are there.

And so what is very, very unfortunate here, Mr. Speaker, is the fact that the Republican majority is still boasting about, you know, we are in charge. We are going to continue to keep our foot on the necks of everyday Americans that are going in, punching in and punching out every day, 5 days a week, sometimes 6, because they have to work overtime; those Americans that know what it means to take a 15-minute break in the morning and a 15-minute break in the afternoon, and a solid 30 minutes of lunch, if they get that, and they better not be a minute late. Those kind of individuals, I think, are going to go to the polls this November and say, no more. They are going to go to the polls and say, we are willing to fight for the kind of accountability that we need from this government.

I am so proud, Mr. Speaker, of the 30-something Working Group and the Members that come down here and the Democratic Members that file legislation on behalf of the American people, not on behalf of the Democratic Party, not even on behalf of the Democratic Caucus, not on behalf of our leadership, but on behalf of the individuals that they represent who woke up early one Tuesday morning and voted for representation in this U.S. House of Representatives, and I must add, Mr. Speaker, the only Chamber that you have to be elected to, that you can't be appointed to. All due respect to the Senate, but Senators can be appointed by Governors. If a Senator was to say, hey, you know, I have had enough. I want to go home, I want to take care of my grandkids, a Governor can appoint a Senator.

But in democracy, in this Chamber, in the U.S. House, if one Member were to say, hey, I want to take care of my grandkids, I want to spend more time with my kids, they have to run for office. They have to run for office, and they have to be replaced by the people.

So we have a greater responsibility. We have a greater responsibility than the White House, than the Senate or the Supreme Court, when you look at the three branches government, to the American people.

The oversight, House Resolution 841, and Mr. CARDOZA's legislation that calls for the calling in those administrators that are not accountable to taxpayers' dollars, these are the kind of bills that we must pass.

□ 2000

One thing I can say, Mr. RYAN, which is so very important on our side of the ball of saying we want to take this country in a new direction, is the fact that we said we will increase the minimum wage. We will make our country more energy-independent within 10 years. We will implement the 9/11 recommendations to be able to make sure that we can fight terrorism here and make sure that local communities have what they need.

These are not ''if'' or ''if we get around to it'' statements. These are statements that we said wholeheartedly that we would carry out.

The last point, anybody who wants to get this information as it relates to an innovation agenda: housedemocrats.gov. Right here, this is what it looks like. You can download this information. Again, safeguarding, making sure that we have the real security here in America, our Democratic plan: housedemocrats.gov. And, again, here as it relates to the working group that we have dealing with investing in the Midwest versus the Middle East: housedemocrats.gov. Mr. RYAN said all of the charts that you see here tonight you can get on housedemocrats.gov/30something.

Mr. Speaker, I do not even waste my time anymore, as a Member of this House, talking about working in a bipartisan way because the only way we can work in a bipartisan way, Mrs. TUBBS JONES, and you know because you are the most senior Member on the floor right now, is that the majority allows it to happen. The majority calls the conference committee, and this happens a lot in the Ways and Means Committee.

Mrs. JONES of Ohio. A whole lot.

Mr. MEEK of Florida. A lot in the Ways and Means Committee. They will have about tax law, about accountability or what have you, trying to find the ways and the means of bills that come through that committee, and the Democratic Members are not even called. A conference report comes to the floor, and they have not even seen it. Not that they weren't willing to sit down with the Republican majority, saying, We want to work with you and see how we can work in a bipartisan way. They don't even get the notice for the meeting. So the meeting takes place, it comes to the floor, and the rules that are in the House rules, it smacks the theme of the rules and also the spirit of the rules and the rules, period, about the minority party's being informed about these meetings.

So one thing that our leader has said: When we take control, there will be a bipartisan spirit in this House, and we will work together with the Republican minority, if the American people see to it.

Mr. RYAN of Ohio. Because it is not about us. It is not about the Democrats; it is not about the Republicans. It is about fixing the problems. I mean, we have got real problems in this country, serious, structural problems. And we do not have time to be nitpicking with each other to say, Well, that is a good idea, but you are a Republican, so forget about it. Give us all the ideas.

Mrs. JONES of Ohio. It is very important to understand that there are 41 members on the Ways and Means Committee. As a result of that 41, there are 24 Republicans and 17 Democrats. And the Democrats, 17 members, beginning with our ranking member, CHARLIE RANGEL, and going on to PETE STARK and on down the line, are people who can bring leadership and knowledge to a discussion about legislation. But, unfortunately, as the committee is currently constituted, we do not have the opportunity to sit at the table and truly legislate. Even one day the police called on us, trying to pull us out of the Ways and Means library room.

The reality is that we are willing and ready, ready and able, to provide import to the legislation on taxing and raising revenue for the United States of America. But, unfortunately, we do not have the opportunity. Unfortunately, we, as Democrats and Republicans, do not have the opportunity to sit at the table, talk it over, figure it out, and come to the floor with legislation that can make a difference on behalf of all Americans.

If you look back in history, every year we were in, there was legislation that really worked for America. It was legislation that was done on a bipartisan basis. This chairman talks about being a member of the willing, something like the Iraq war, if you weren't a member of the willing and you didn't go to war, you do not get counted in. We are, hopefully, not at war right here in the House of Representatives, although some days I think that we are, that we can have the opportunity to sit at table, legislate, and make a difference on behalf of the people of America. The people of America expect it from us. They do not send us here to argue back and forth with one another about issues. They want us to work it out, and that is why we were elected as representatives.

Mr. RYAN of Ohio. Do you know what this comes down to? This is just boiling all this down, regardless of the issues that you are talking about: What do we believe in as a country? What do we want our country to be? The great thing about being an American is we get to decide. We do not have 30 or 40 people in the upper echelons of government telling us what we want the country to be like. We get to vote on it, and the American people get to express themselves at the ballot box and decide what we want this country to be like.

Now, what we have had here over the past 5 years with a Republican House, Republican Senate, and Republican White House is tremendous deficits, borrowing more money from foreign interests in the last 4 or 5 years than we have borrowed in the last 224 years.

Do you believe in a government that should put everything on a credit card? Do you believe in a government that should give tax breaks to millionaires and then never raise the minimum wage? Do you believe in a government that should have a $1 trillion prescription drug benefit and not do anything to contain the cost because the pharmaceutical industry may not like it? If you believe in that kind of government, then you want to continue with what we are doing right now.

But if you believe in a government that is for the common good and the common defense and uses common sense, then you want to vote for the Democrats. If you want to raise the minimum wage by a couple bucks an hour, then you want to vote for the Democrats. If you want to reduce the cost of prescription drugs by using the bargaining power of the United States Government and the Medicare recipients, then you want to vote for the Democrats. If you want to take some of this money that we are going to squeeze out of the government because we are auditing and finding the waste and abuse in our government and invest that money in the Pell Grants, then you want to vote for the Democrats.

I mean, this is very simple. They have their beliefs; we have our beliefs. And we need the American people to affirm those beliefs at the ballot box.

And I believe in November, Ms. TUBBS JONES and Mr. MEEK, that the American people are going to affirm the beliefs of the Democratic Party because we are ready, willing, and able. We have the will and the desire to go out and lead. Put us in coach. We are ready to rock and roll.

Mr. MEEK of Florida. Reclaiming my time, it is very interesting. And, Mr. RYAN and Mrs. TUBBS JONES, I think you hit the nail right on the head in talking about the reality of serving in this Republican majority right now, what is not only happening to the Members of this body on the minority side and the one Independent that is a part of this House, but also what is happening to the American taxpayer. And accountability is on our side. We balanced the budget. The bottom line is there wasn't a deficit. There were surpluses as far as the eye can see when the Republican majority took over. And now we find ourselves in a fiscal crisis.

And I want to share this information and make sure, Mr. Speaker, that all the Members, hopefully, go back to their districts and, before they see an increase in the interest rates of student loans, to share with their constituents, and we are sharing it with our constituents, to consolidate their loans before July 1, because afterwards they are going to be paying, I believe, a 2 percent increase in interest rates and climbing, not because the companies said they want to go up on the interest rate, but because the Congress allowed these companies to go up on the interest rate, meanwhile providing more tax breaks for the superwealthy Americans that are here.

So as we continue to speak, we are not here speaking into the CONGRESSIONAL RECORD, Members, just to say we want to be on the record about what is happening to America. We are saying that we are ready, set, go. We have our chinstrap buckled and our mouthpiece in. Since football season is coming up in August, let it be known that we are ready to hit the field. We are ready to hit the field on behalf of the American people; not willing hit the field on behalf of Democrats, not willing to hit the field on behalf of just children, but on behalf of all the American people. That is Republicans, Independents, Green Party.

If you are not even voting, and you are so mad, and you are tired of this mess here in Washington, DC, we are doing this for you. We want to make sure that this democracy that some talk about that we are fighting in foreign lands to guarantee a democracy over there, we want to make sure that we can celebrate a democracy right here, making sure that individuals do not have to find a way out of no way, and making sure that we come up with ways that we can become energy-independent and not just running around here saying, well, we need to go to war in foreign lands to be able to attract oil when we have resources right here.

Mrs. JONES of Ohio. If the gentleman would yield, you know what is interesting as we debate on the floor, let us talk about, just for a moment, the minimum wage. And there is always the discussion that the people who pay the most tax ought to get the most return on their taxes. And I cry and scream on behalf of the unemployed in my district: Give them a job, and they will gladly pay taxes. Give them a job and a living wage, and they will be glad to pay taxes. They will be able to take care of their families. They will come off of government rolls.

But the reality is most people working at $5.25 an hour cannot be successful. They cannot be part of the American dream because they cannot buy milk, $3 a gallon of gas, and take care of their families. And the reality is that the Democratic Party is the only party talking about raising the minimum wage.

And there has been an argument that we do not want to raise the minimum wage because it impacts business, but there is statistical information very recently that just came from Ohio that says if you raise the minimum wage, businesses are doing better. It is not that if you raise it, they will go into debt. The reality is that if you have got a better worker making a better salary, then you have got a better business. And that is what we need to have happen in Ohio and across this country.

Mr. MEEK of Florida. Mr. Speaker, the last time the minimum wage was raised, it was a zero impact on businesses. Zero impact. So when folks are saying if we raise the minimum wage, people are going to go out of business, please. Okay? And when folks start talking about, Well, I am here to protect the business community, the last time I checked, there were individuals that went to vote to elect me and everyone else here to the United States Congress, to the House of Representatives. I didn't see major corporations going up with a voting card saying, I am representing corporation one, two, three, and I am here to vote on behalf of KENDRICK MEEK for Congress. There were individuals that voted for us.

So, Mrs. TUBBS JONES, I think you are 110 percent right, just not on behalf of the people of the great State of Ohio, but on behalf of the American people. People are working every day, but they cannot even put gas in their tank. How can you live?

Oprah just did a story on this as it relates to individuals that are making minimum wage. And they put individuals who were making above the minimum wage on a minimum wage, and they could not survive.

Mrs. JONES of Ohio. They say that if you look at inflation and apply it to minimum wage, the minimum wage today should be $9.08. And even in our proposals we are only asking for $7.25.

Give people an opportunity to make a living and be proud of themselves making a living wage.

Mr. RYAN of Ohio. And whatever business you have, your customers are going to have more money to go and spend. This is the basic difference that we have between what the first President Bush called ''voodoo economics,'' which is the current system we are in right now, the implementation of the neoconservative agenda. That is what is happening right now. And if you are happy with what this system is yielding for you and your family, then you need to continue to vote for the Republican Party. But if it is not effective for you and your family, then you need to look for alternatives, and that is what we are doing here.

But the Democratic Party is saying raise that minimum wage and give these small businesses more customers to go out and purchase their products.

Mr. MEEK of Florida. I was just looking for this, and I am so glad that I found it because I think it is important to be able to share the facts where they are. Third-party validators, Mr. Speaker, once again, there is just a line of them as it relates to the things we bring up.

This is a message from my Democratic Caucus Chair, who is JAMES D. CLYBURN, that is talking about priorities of the Democratic Caucus. It is not talking about something we just came up with a couple days ago, but the priorities of the Democratic Caucus and the American people. Five dollars and fifteen cents is the minimum wage. Fifty years, the last time the minimum wage has been this low as it relates to the inflation that you just spoke about. It should be $9 and some change. 1997 was the last time that the Congress raised the minimum wage. That is almost 10 years ago. It is about to be 10 years ago. Six point six million people, the number of people who would benefit from an increase in the minimum wage. Six point six million individuals, roughly three-quarters of minimum-wage workers, adults over the age of 20, many of whom are responsible for half of their families' income. One day it takes to be able to make money to buy one tank of gas working on the minimum wage.

Again, Mrs. TUBBS JONES, a zero jobs loss. Studies have shown that there is no evidence of jobs lost after passing a minimum wage increase.

□ 2015

Here is another one. Eighty-six percent of the American people support an increase in the minimum wage, and I must say 22 States have already headed in that direction through constitutional measures or legislative measures to increase the minimum wage to help their State's economy, because they know these individuals are consumers and these individuals that are on minimum wage will help their State's economy.

So I just wanted to share that information, because it is important that we share that. But again, the Republican majority is saying no. We are saying if we become the majority, if they become the minority come this

November, it is not ''if we can, we may get around to it.'' It will be one of the first things that the Democratic Caucus does. A done deal. We don't even have to talk about it, that the American people will see an increase in the minimum wage.

Mr. RYAN of Ohio. I would like to make a point, because when you raise the minimum wage, you raise the wages for all people who are participating in the labor market.

Let's take for example our friends at Wal-Mart, okay? If you raise the minimum wage, now, if you don't work at Wal-Mart or somewhere else of that caliber of a store that hires so many millions of people around the country, they are all going to get a boost. So instead of companies like Wal-Mart making billions and billions and billions in profits, some of that money will make its way back to the workers, so all the workers will get a couple dollars more an hour, which means you are going to have consumers with more money in their pocket so they can pull it out and go buy more goods, which will stimulate the economy.

The American people right now are feeling they are not benefiting from what is happening. I think a raise in the minimum wage would do that, it would accomplish that, it would give demand a spark, which is obviously what we want to do.

Then, like we have talked about here, investing in sewers and roads and bridges and infrastructure and get this country back where it needs to be with our infrastructure, so that we could build industrial parks and roads and bridges and increase commerce in the United States, extend broadband. All of these things will stimulate the economy here in the United States of America, educate our kids, get information into the households, and, at the end of the day, you have got a strong country.

Mrs. JONES of Ohio. I know that my good friend Kendrick Meek is going to close out on a New Direction for America, but I want to talk again about the minimum wage.

Consider that if the minimum wage had increased with inflation, it would be $9.08. Well, think about it like this. Family health care insurance is up 70 percent. The increase in minimum wage would help 7.5 million. Gas prices have doubled. So if the minimum wage doubled, it would be $10, and we would be able to do it. Record surplus has been turned to record deficits. And then college costs are up. There have been $12 billion in student aid cuts under this administration and Republican Congress.

It is time for Democrats to take control of the House so that we have an opportunity to serve the people and put America in a new direction.

I yield back to our leader.

Mr. MEEK of Florida. Let me just say this. You can go ahead and give the website out, sir, and I will close out.

Mr. RYAN of Ohio. Are you talking to me?

Mr. MEEK of Florida. I am talking to you, sir, Mr. RYAN.

Mr. RYAN of Ohio. I appreciate you letting me do this. Www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Thank you, Mr. RYAN.

Mr. RYAN of Ohio. Thank you, Mr. MEEK.

Mr. MEEK of Florida. I want to thank Ms. TUBBS JONES and also you, Mr. RYAN, and Mr. TANNER and Mr. TAYLOR, who was here at the beginning finishing off his 5-minute speech for joining us tonight.

As Mrs. TUBBS JONES mentioned, as Democrats, we want to take this House in a New Direction for America. I think it is important, and we will let it be known that we will implement on day one, or days within being in the majority, if the American people see fit, a real security plan that will implement the full 9/11 Committee report, work on affordable health care, to fix not only the prescription drug law, but a series of seniors' issues as it relates to health care and also health care for the American people, from GM down to the small mom and pop business. Also make sure we have good paying jobs and stop sending jobs overseas and raising the minimum wage. Reversing all the things that the Republicans have done to Americans as it relates to higher interest rates for students and making college affordable. Also with tax deductions, and also energizing America by making sure we have investment in the Midwest versus the Middle East. And ensuring dignity as it relates to no privatization of Social Security.

With that, Mr. Speaker, it was an honor addressing the House. We would like to thank the Democratic leadership for the time.

AN OPTIMISTIC VIEW OF CONDITIONS IN AMERICA

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. I thank the Speaker for the privilege to address this House of Representatives.

I came to the floor here to speak about a number of issues, but the subject matter, as often happens when I arrive here and listen to the preceding speakers, that subject matter does change, and I would just take it from the top.

Gas prices. Mr. Speaker, gas prices are exactly the same that they would be if we had Democrats in charge of this Congress rather than Republicans. The difference is people have a lot more money in their pockets to buy the gas with, because Democrats would raise the taxes, take the money out of the pockets of the working people and gas prices would not have changed.

We need to do more with energy supply, and I am for that. We can't get past some of the Republicans in here. But there aren't Democrats that I know of that will support us expanding the supply of energy.

We need to drill in ANWR. We need to drill on the Outer Continental Shelf. I am hopeful we will be able to bring out a bill within the next few days of proceedings in the House so that we can drill on the Outer Continental Shelf for gas and oil, within reasonable limits that we can work out with the States.

So, gas prices are the same as what they would be. It is just that people have more money in their pockets under Republicans to pay for this gas.

This is also a global market. It isn't a United States market. We are not able to drill for oil in places where we know we have reserves because the environmentalist coalition blocks that drilling in the United States of America, especially the Outer Continental Shelf and other places, our non-national park public lands. We have a tremendous supply of natural gas and oil. We are not able to get into that.

That is focused over on that side of the aisle, Mr. Speaker, not this side of the aisle. We need a far greater supply of energy, and you will have less energy, not more, if you listen to the advice of the people that spoke ahead of me.

With regard to the tax issues that came here today, the estate tax, most of the money that is taxed in an estate tax has already had the tax paid on it. Most of that is earnings that have already had the taxes paid.

So if you go out and you earn $100,000 over a year or a lifetime and you pay the income tax on that and that becomes savings that you invest, when that portion of that capital is taxed at your death, much of that, the core of it, the equity of it, the basis of it will be taxed a second time, not a first time.

How many bites at the equity apple does government need? Does government need to tax people on death? Does government in fact need to tax people for their productivity? My answer is no.

I would take all tax off of all productivity. I would put it on consumption. Then if people inherit a few million or a few billion dollars, when they spend that money, they would pay the tax and no one would escape it. But as we have it today, attorneys, and especially large corporations sometimes have whole floors of tax attorneys whose jobs it is is tax avoidance. So very wealthy people avoid the tax, and very poor people don't pay tax. In fact, even lower-middle income people don't pay very much, and sometimes not at all. It is those middle people in there that have earned a reasonable nest egg that get taxed, but they can't afford the attorneys or they don't do the planning because it is that marginal kind of an equation.

But we need to quit taxing people upon death. No taxation without respiration. This bill that we brought out

here today doesn't go far enough, in my opinion. And I am not one who is full of class envy. I believe I am the poorest delegate out of the Iowa delegation from a cash-in-the-bank standpoint at least. I am one of the richest on the part of family and those kind of blessings. But I don't envy anyone the wealth that they have earned. In fact, I am proud of them. I encourage them. Keep doing that.

People that build equity, their capital, if it is invested in a bank or in stocks or wherever it might be, finds its way into the hands of people that are reusing that money to create jobs. We have to have wealth in this country to create jobs. That is why we have jobs. This idea that we can raise the minimum wage and somehow or another it is going to make the world a better place for people just belies the simple fact that labor is a commodity, like corn or soybeans or gold or the oil that we talked about, and the value of labor is determined by supply and demand in the marketplace.

That is why it is $8.50 an hour or more to flip burgers at the burger stand in the Midwest. That is why very few people are working for minimum wage today, is because the supply of labor has not driven the price of wages down low enough that the minimum wage kicks in. The standard is higher.

So now the people on this side of the aisle want to raise the minimum wage a couple bucks an hour to try to catch up with what the economy has already done. If the argument ever was there that we should raise the minimum wage, no, the markets have already raised the minimum wage. That is what we ought to have as markets.

Sometimes people go to work for a minimum wage and then they realize, I don't like living here. I don't like this low wage that I am getting for the work that I am doing, so I am going to go get an education or I am going to train for a skill, because I want to upgrade this world that I am living in.

That should happen to most of us that start out into the working world. It certainly happened to me, and it happens throughout the process. If an entry level wage is what the minimum wage is today, most people aren't there very long before they move on up the line.

But if we can legislate a minimum wage without costing jobs, if people don't get laid off when the wage gets pushed higher by a potential Federal increase in the minimum wage, if we can legislate a minimum wage, Mr. Speaker, we can then legislate a living wage; and if we can legislate a living wage, enough money to live on, maybe raise a family on, maybe buy a modest house on, if we can do that, Mr. Speaker, without costing jobs, without reducing the number of opportunities for Americans, if we could take this $7.50 minimum wage proposal that perhaps takes it from $5.15 cents an hour, up a couple of bucks up to $7 and something, if we can do that without costing us jobs, why not take it up to a living wage? Why not take it up to $12, $13 or $14 an hour and call that a living wage, so that people could earn that much money and go buy their modest house and raise their family, and maybe they could do it on 40 hours a week.

But I will submit that we don't do that because we know if you raise that wage to that level, it certainly will cost jobs. And if we raise the minimum wage, if you have a minimum wage at all, it costs jobs. We should let the marketplace determine.

But the philosophy over on this side of the aisle says no, we have to legislate that at the Federal Government because it is a political kick for them, not because it is a rational economic one, Mr. Speaker. And I will submit that if we can legislate a minimum wage without a penalty to jobs in this economy, we can legislate a living wage at $12, $13 or $14 an hour without a penalty to the economy in this country. And if we can legislate a living wage, there is no rational reason by the rationale of the people on this side of the aisle that we can't just simply legislate prosperity.

If we are going to do this and do it at all, then let's legislate prosperity so we can all live in opulent mansions and we won't have to work and work our way up from the bottom at all.

What a wonderful country this would be if we could follow the rationale of the people on the other side of the aisle, who say that they don't even worry about partisanship. They don't worry about being bipartisan, about working with Republicans on this side of the aisle. But they say put me in, coach; elect those other people out and put me in, because I want to run this country.

But it is night after night after night, 60 minutes, sometimes 120 minutes, of the most pessimistic message anyone could ever hear on any television show anywhere in America on any given night. I mean, if I had that kind of an attitude, I would not want to get out of bed in the morning. I would be afraid to walk over a bridge for fear I would jump off of it.

No, this is an optimistic nation. That is not the right tone for America. This is an optimistic nation, Mr. Speaker. We have freedom. We have a freedom that was granted to us from God, that flows through the Declaration into the Constitution, the sacred covenant we have with God delivered to us through our Founding Fathers that he put on this Earth to guarantee us these rights. And we have these guarantees that flow through the Declaration and the Constitution; the freedom of speech, press, assembly, religion, guaranteed property rights. Not what they were before Kilo, I will admit, but guaranteed property rights. The freedom to be safe in our persons and freedom to be judged only once before a court of law. We have equal opportunity under the law, guaranteed under the 14th Amendment and also I believe the 15th Amendment, Mr. Speaker. We all ought to take advantage of that opportunity.

We should recognize that on the day that we are born, our glass is half full. In America your chance to fill your glass the rest of the way up is greater than it is anyplace else on this planet.

If you have a negative attitude and say your glass is only half empty, and you get this almost terminal case of the ''poor me's'' when you think about what it is like to have to go out and earn your share of the prosperity that is totally available in this country, if that drags you down, then I guess that is the motivation that brings you over here to the floor of the Congress, Mr. Speaker, and that is the motivation that just continually goes into this never-ending series of lamentations that we have heard now for, oh, maybe a year-and-a-half or so.

□ 2030

I know that a lot of Americans just turn the channel on that. Well, that is good advice, America.

But I am going to talk to you about some other things that are important in bringing out an optimistic message. I would submit, also, that there are bipartisan bills in this Congress and there are many of them. Any time that anyone wants to come into this gallery, Mr. Speaker, or watch this on C–SPAN and watch the votes or look them up on the Internet to see what the votes are, you will often see that there are significant votes up here where maybe almost all of us agree. Time after time after time, it is all green lights up here or all but three or four green lights up here on the board behind where I stand, Mr. Speaker. Those are bipartisan bills.

There are bipartisan bills that come to this floor day after day after day. Often for the first day of the week whether it has a Monday or a Tuesday for votes, those votes that come up that night are under suspension because there isn't dissension. We have found issues that we agree upon. We have bipartisanship and we reach across to the other side of the aisle. It is just that sometimes that attitude of ''I don't even worry about bipartisanship'' that were heard over here from Mr. MEEKS tonight, sometimes the hand that reaches across for bipartisanship gets bitten and then that causes the person to pull back again and think, well, all right, I guess maybe there are 232 Republicans and I guess we only need 218 votes to pass legislation, so is it worth the effort to have bipartisan legislation.

I will submit, I do believe it is worth the effort. Issues come through the committee better. They come through more smoothly. They come to the floor. They pass more smoothly. In fact, there are times when the conscience of the left calls into check the conscience of the right. I am on the right. I am making this confession. We have bipartisan efforts and we need to have partisanship in this Congress. The

reason we need to have it is so that we have viewpoints from both ends of the political spectrum so we can come together with a policy that is best for America. That is the mission and that is the vision.

I didn't listen enough tonight to know if the people on the other side of the aisle, the lamentations group, have actually spoken about some of the other issues, about the national security. I suspect they have. That is part of the repertoire for every night. But regardless, I am going to rebut that as well.

I would point out, Mr. Speaker, that we have some things going on around the world. We are involved in a global war on terror. We know that there is a battleground in Afghanistan and there is a battleground in Iraq. The argument that somehow we went there for the wrong reasons just astonishes me, and I am waiting to hear, maybe ever so faint from the other side of the aisle, the apology for being utterly wrong on weapons of mass destruction. I have not heard that apology from anyone over there, Mr. Speaker. Yet it is true. They have been utterly wrong. I have stood on this floor continually, and I said the law of physics is this. Matter can neither be created nor destroyed.

Now, we knew that Saddam had weapons of mass destruction. He admitted he had weapons of mass destruction. He said that he destroyed them and got rid of them, but we could, of course, not believe him. We sent the inspectors in. He had the inspectors running around in circles. Anyone who has listened to the tapes of Saddam and some of his henchmen there knows very well that they knew where the inspectors were at all times and they were giving them the runaround. They talked about it on the tapes. There are 12 hours of tapes there that say so. That material, that information, is available to the public today.

And so we know that he had weapons of mass destruction. And we know that he was pulling the wool over the inspectors' eyes. And we know that he used them on his own people. In one instance with only three of the weapons, only three of the canisters for gas, he killed 5,000 of his own people up in Kurdistan. 5,000 people with only three.

We got the news. We got the news a couple of days ago, Mr. Speaker. The information about the collection and the gathering of the finding of the weapons of mass destruction had finally been declassified by the Pentagon. When it was declassified then, we saw Senator SANTORUM and Chairman PETE HOEKSTRA go before the world and say, We have found weapons of mass destruction. Since 2003, we've accumulated 500 of the weapons of mass destruction.

Now, there isn't very much information that is available to the public that has been declassified, and I will confine my remarks to the declassified information that is there. But I would submit, Mr. Speaker, the facts are that we have found over 500 weapons of mass destruction and among those are mustard and sarin gas and that they are lethal and the warning that comes out from the Pentagon is that they remain lethal. And so whether these were pre-1991 or post-1991, nobody on that side said, well, he had them up till 1991, then they're gone again. That wasn't a condition. In fact, they are going to find a way to put conditions on it. No matter how much we come up with, no matter what the reality is, they will never make an admission that Saddam had weapons of mass destruction when we went in.

And so they were found. They were found perhaps in various locations around Iraq, and the cumulative total right now is 500. We are confident that we will continue to find more. I would submit, Mr. Speaker, that if we do not find them and if the terrorists do find them, they will find a way to use them on coalition troops, on Americans. They will use them on their own people if they think they can create the kind of chaos that would melt that country down, get us to pull out and turn that into a training center and a mission operations control center for al Qaeda and for their side of this global war on terror.

No, Mr. Speaker, Saddam had weapons of mass destruction, he had significant quantities of weapons of mass destruction, and the fact that we didn't end up with great huge warehouses full sitting there waiting for us to ride in on doesn't prove that they don't exist. It has been proven and admitted and no one denies they did exist. Saddam had them. He used them.

And so what I have said is, either you have to believe that Saddam Hussein used his last canister of gas on the Kurds and simply ran out of inventory. And so there he was, his warehouses were empty, and we came in to liberate the Iraqis and he simply had used up his supply of chemical weapons. Either you have to believe that or you have to believe that those weapons that we know existed are somewhere. Matter can neither be created nor destroyed. So the King version of that is, everything has to be someplace, Mr. Speaker, and we found 500 of them and there are many more someplace, whether they were hauled across the border by the Russians and whether they were buried in Syria, whether they are buried in Iraq.

But I would ask the people on the other side of the aisle, this group of lamenting pessimists that we hear every night, if you will confess that there are 500 different pieces of weapons of mass destruction, then you can make your arguments about how much that means to you. It means a lot to the American people. It means a lot to this war effort. But I would ask, then, if they happen to be something that the Iraqis forgot about, which one wag actually said, how do you forget about 500 pieces of weapons of mass destruction, if that is the case and you think they don't exist, where did we come up with these MiG–29s that were buried in the Iraqi desert, fully operational MiG–29s. They were ordered to be buried by Saddam Hussein. We found that out. Did we find these jets by having some kind of a United Nations weapons inspector walking around with a metal detector in the desert? No. Did we find them by using intelligence having someone who said, all right, I know what we did, we dug a hole and we buried these MiG–29s, scattered them around the desert. Here's where they are. Here are the GPS coordinates. Go dig them up. They're operational. You can dust the sand off, fuel them up, and fly them out of here.

That didn't happen either, Mr. Speaker. What happened was the wind blew the sand off the tail section of a MiG. Some people looked over there and thought, That's funny. That looks a lot like the tail section of a jet. Let's dig down and see what we have got. They dug down and found out, a MiG–29 sitting there, fully operational, buried in the desert. If they can bury an airplane and we can't find the airplane except by happenstance, weather and good luck, tell me why anyone would think that they couldn't have buried weapons of mass destruction there when we know that they exist, we know that he used them on his own people, we know that he only took three of them to kill 5,000 people and we found 500 of them. And think what kind of devastation that could have been on the American troops and then think about how many others are there somewhere that might fall into the hands of the enemy and be used on Americans, coalition forces, or the brave Iraqis themselves that are in uniform today defending Iraqis to the tune now and the strength of 267,000 Iraqis in uniform defending Iraqis, performing well, fighting well, carrying on operations, taking over security of the country and providing that next level of safety, security and freedom for the Iraqi people.

Mr. Speaker, this has been distorted so far that I don't know if I can express my disappointment with the message that the American people have been getting, having gone to Iraq a number of times myself, having looked our soldiers in the eye, having sat down and been briefed by our commanding officers, including General Casey and General Abazaid, having a working relationship with Secretary Rumsfeld on this and knowing that from the lowest ranking foot soldier or marine to the highest ranking officer in our military, to the Secretary of Defense and to the President himself, everyone's message indexes up and down the line, the message that comes out of there is, we are winning, Mr. Speaker, and we are scoring points, and we are providing more security in Iraq, not less, and the future is getting brighter by the day and the enemy is giving up more and more people and more and more equipment

and more and more ability to carry out operations. Their will to fight is being destroyed, Mr. Speaker, and it is being destroyed systematically.

So, Mr. Speaker, I submit to you that poster of Abu Masab al Zarqawi. Zarqawi was the leader of al Qaeda in Iraq. He was pretty difficult to find for a couple of years. He pledged his allegiance to Osama bin Laden, and he was an inspiration and a recruiting force and probably the most evil, diabolical person that we have seen on this globe in my lifetime. He is the person that devised the most brutal ways to slaughter people. He is the one who made sure that he was on a videotape beheading Americans. The torture deaths, the burning deaths, those who were killed, a child killed and had bombs planted inside the cavity of the child and have that detonate when the family comes to collect the body. That is the kind of diabolical evil that Zarqawi was.

Now, it is ironic, I think, that he said these things about Americans. Zarqawi said, Americans are the most cowardly of God's creatures. They are an easy quarry. Praise be to God. We ask God to enable us to kill and capture them.

''Americans are the most cowardly of God's creatures.'' That is the last thing I have seen out of Americans. I have not seen any of that out of Americans in Iraq or anywhere else when they put on the uniform. They are the most courageous, the most noble, certainly not the most cowardly, and are far from an easy quarry, Zarqawi.

Zarqawi was in a safe house. I appreciate myself and I think, Mr. Speaker, Americans will appreciate the irony of Abu al Zarqawi being in a safe house. That safe house didn't turn out to be too safe for him and the pictures of that house after it was blown to smithereens by two 500-pound bombs that came from a pair of F–16s would tell the world how unsafe it is to be the number one enemy of the United States of America, of the coalition forces, of the Iraqi people and of the free world.

And so Zarqawi went to meet his maker and checked into the next life. What has met him there, Zarqawi knows today. But if there is a place for evil people where they burn in infinity, I have to believe that Zarqawi is there. I have never seen such evil out of anyone anyplace on the planet in my lifetime.

This is the individual that was the inspiring spirit of al Qaeda in Iraq and pledged his allegiance to Osama bin Laden. Zarqawi was the individual who was the inspiring part that recruited enemy soldiers to work for him. He is the one that organized the funding effort and the military munitions and the equipment that they needed in order to attack coalition forces and the Iraqi military and the Iraqi people, women and children included, where the only discrimination he made was occasionally he would spare the lives of some Sunnis because he had a preference to the Sunnis. This man is now dead and he is gone. In the aftermath of the detonation, the blowing to smithereens of the safe house, there were a lot of data that was gathered there, computer hard drive data and paper documents. And those paper documents and the hard dive data, Mr. Speaker, indexed with a lot of other intelligence that had been gathered around Iraq and other places that were indexed into that location in the world. All of that data that has been pored through now, and I mean all of it, Mr. Speaker, points to one thing: the enemy, the terrorists in Iraq are losing. They are having great difficulty recruiting fighters. They are having difficulty finding funds. They are having difficulty pulling together weapons and they are having difficulty finding the material to improvise explosive devices with.

□ 2045

They are having difficulty logistically because security in Iraq is getting tighter and tighter and tighter and moving from section to city, from city to section, and from city to city. It is ever more dangerous than it was before.

They are getting demoralized and dispirited. The very thing that some of the people on the left would like to have the enemy think about the United States is actually happening to al Qaeda and the terrorists in Iraq. We are very close to putting this thing away.

Their spirit is weak and Von Clausewitz wrote a book, and the name of the book was ''On War,'' and Von Clausewitz's statement on war was the object of war was to destroy the enemy's will and ability to conduct war, and that seems to be a little bit obvious, but I think it is something that bears repeating.

We should all be in the same effort here. We should be in the effort of destroying the enemy's ability to conduct war, and that means we need to turn our military loose on them with a ferocity that we can bring to bear, and we have been doing that. We have been doing a great job, both in Afghanistan and also in Iraq, but additionally to that, we need to be destroying the enemy's will to carry out war, to conduct those acts of war, and that means they need to understand that our will will not be shaken. We will not let up. We will provide all of the troops and all of the support for the troops and all of the equipment and the training and the munitions and the weapons and the tactics and the technology necessary to take them out until this is over because the stakes are far too high. We cannot tolerate stepping back from this confrontation.

We made a commitment to go in there, and there is only one option, and that option is victory, Mr. Speaker. There is no option to any phased pullout or any drawdown unless it is something that it is no longer necessary to have troops there.

There is also an option to escalate if we need to do that, if we see the need to do that, but if we need to do that, that option is on the table. If we needed to double the troops there, that is what would happen, if that is what the generals asked for because this enemy, this one is dead. The ones beneath him, some of them, many of them are actually dead, and the one who follows will soon be. Those that are part of the officers will be sent into the next life as well, but at some point, they are going to understand that they cannot carry on this fight, that it is absolutely hopeless.

The best part of it is, Mr. Speaker, it will be hopeless when the political solution in Iraq is fully manifested. Now they have a prime minister. Now they have a fully operational Cabinet, one that was carefully chosen and it was a little bit of a struggle to get to that agreement, but their minister of defense and the minister of the interior, in particular, are very, very important cabinet positions. Those positions are now filled with good people. People that are going to have the best interests of the future of Iraq in mind, not their best interests in mind, but the best interests of the future of Iraq.

That means that the minister of defense is going to continue aggressively taking out the enemy. We have seen that kind of leadership out of the prime minister, and we will see that kind of leadership out of the minister of defense.

The minister of the interior is going to be looking at their national resources and thinking how do we convert this oil into cash, and they will set up a formula to do that. When that cash starts to flow into Iraq, prosperity begins, and it will take a little while, but it will take root. When prosperity takes root, the root that is there now for freedom goes deeper and wider. It has something to nourish itself, and that will be the profit that comes from marketing the national resources called oil, and the wealth of that will generate the many layers and the cycles and the interconnectivity of the economy.

That is all going to take place. That is going to take place because the Iraqi people see themselves as Iraqis first and Shi'ias, Sunnis and Kurds second. They understand that they have one chance at freedom, and that is as a unified Nation, and they are fighting together to do that, and we need to stand with them. We made that pledge.

Our commander-in-chief is the commander-in-chief. The President of the United States has that constitutional duty and responsibility, Mr. Speaker, and we need to stand with him.

When I see amendments come out here on this floor that undermine the President's authority to conduct this military operation as he sees fit, then that is unnecessary interference. If there is anything that takes away a tool from the battlefield, if there is anything that undermines our ability

to do negotiations to work with and cooperate with the Iraqis, that is undermining the war effort, and that should not ever happen out of this Congress.

We committed to this task. This Congress voted to commit to this task, and we put up at least two resolutions since then committed to this task. We will, Mr. Speaker, stay committed to this task, and those who work against it are working on the side, and this is what makes this guy, what made him smile was when our left-handed leaders here stand up and say we cannot win: wrong war, wrong place, wrong time.

Some say that the American soldiers are carrying out operations that are not becoming of American soldiers. Things happen in war, but our soldiers are conducting themselves with honor and with dignity.

Zarqawi, Mr. Speaker, is now gone, checked into the next life. I will tell you, then we have another leader in the other side of the theater in Afghanistan that ran a tape just other the day. This, Mr. Speaker, is Ayman al Zawahiri. He would be second-in-command among the al Qaeda and operating, we think, out of the border area between Afghanistan and Pakistan. He has put out a tape, and let me see, it is kind of interesting to watch how they do this when they take some serious blows, as they did when Zarqawi was killed by those American bombs.

As we see the intelligence that they are operating out of desperation and despair, that every bit of that intelligence says that they are losing the war, and when we see these weapons of mass destruction have been discovered and accumulated since 2003, when the people on the other side of the aisle say, well, that is not really any big deal, killing Zarqawi was not that big a deal and finding the weapons of mass destruction is not that big a deal and the intelligence is there that says that they are dispirited and they are running out of resources and they are having trouble recruiting, that is not that big a deal.

Then we have Zawahiri who does about a 3½ minute video. He is calling out also I think in desperation, and he says I am calling upon the Muslims in Kabul, in particular, and in all Afghanistan, in general, and for the sake of God to stand in the face of the infidel forces that are invading Muslim lands.

Well, I do not know that we have invaded Muslim lands, and I am surely convinced that there is a lot of strong Christians there. That would be a definition, by my definition, would mean they are not infidels. He also calls out to Egyptians. He is an Egyptian-born fugitive, Zawahiri, who says, here is his operation. The collapse of American power in Vietnam, they ran and left. He thinks that is going to happen in Afghanistan. He thinks it is going to happen in Iraq.

Americans did not run and leave, but they were deployed out of Vietnam by the direction of this Congress. This Congress lost their will, and losing our will back in 1974, Mr. Speaker, has given inspiration to a man like this in 2006. It is costing American lives today, coalition lives today in Iraqi, and innocent and civilian lives today because that has been what has inspired this Egyptian-born fugitive who also said in his tape, the young men of Islam in the universities and schools of Kabul should carry out their duties and essentially go volunteer for Jihad.

But we have a prime minister in Afghanistan. They are a free country. They are a sovereign nation, Mr. Speaker, and people went to the polls in Afghanistan for the first time with those routes to the polls and the polling places being guarded by American soldiers, by coalition soldiers, and for the first time in that place on this planet, free people went to the polls and elected their national leaders, chose and helped direct their national destiny, the first time ever in Afghanistan in the history of the world that that has happened. They elected Karzai.

So he says, of Zawahiri, the truly elected leader, the leader of the Afghan people says, Zawahiri is the first enemy of the Afghan people, the first enemy, and then the enemy of the rest of the world, says Karzai during his press conference. He killed Afghans for years, thousands, and then he went to America and destroyed the twin towers.

Mr. Speaker, Karzai went on to say we and Afghanistan want him arrested and put before justice. Well, Mr. Speaker, many of Zawahiri's supporters have been delivered to justice, perhaps 600 of them in these last operations. Coalition forces, Afghani troops and Americans are serving well in Afghanistan in some of the most intense operations that we have seen over there in some time, and they are serving effectively over there, Mr. Speaker. They are going to preserve and protect the freedom of Afghanistan.

I just have not heard the criticism of the other side of the aisle with respect to Afghanistan as I have with Iraq. I am wondering why that is. Twenty-five million people freed in Afghanistan; 25 million people freed in Iraq. It takes a little longer in Iraq than Afghanistan. Fewer casualties in Afghanistan. There are more in Iraq certainly, and it is sad and it is a tragedy for every family. It is a tragedy for every family, but they can take great pride in knowing that that sacrifice has great value, frees people around the globe, and it is not just the freedom of the Iraqi people or just the freedom of the Afghan people.

This is an inspiration of freedom that will one day free every Arab in the world. Everyone through the Middle East will one day breathe free and perhaps even in my lifetime we will see that happen.

The return for that sacrifice does not just do that. Some may think why do I care about freedom for an Arab people. I will submit, Mr. Speaker, that to the extent that the globe is free, we can also be more free in this country, safer in this country, Mr. Speaker, because wherever there are free people, they are not plotting and scheming to go to war against us.

The United States of America has never gone to war against another free people. We work out our differences in a democratic process. To the extent that the globe becomes entirely free, with people who can have their differences in the voting booth instead of on the battlefield, is also the extent that the world becomes a safer place. Even though we have had ongoing conflicts going on around the world, it seems like it never ends, and in fact, Mr. Speaker, it does not end. It has been a long, long time since we have had conflict that took lives by the millions as opposed to lives by the thousands or even the hundreds.

That means that millions of lives, I believe, have been saved, and if this inspiration for the Arab people, if Afghanistan and if Iraq become the lodestars of inspiration for a free people, that echoes across the Arab world the same way that freedom echoed across Eastern Europe, Mr. Speaker, that is the formula for victory in this war. We can get there. We are getting there.

Freedom has never been easy and it has never been without price, but freedom is priceless, Mr. Speaker, and it is a profound honor for those who have given their lives also, for those who have given their limbs and other parts of their bodies or a year out of their life to give the Iraqi people a chance at freedom and to help ensure safety and freedom for the American people for perhaps a long time to come, and that, Mr. Speaker, is the reason why we fight.

Now, there is another subject matter that needs to be brought up because I hear from the other side of the aisle that it is intolerable. It is intolerable to have the level of violence in Iraq that we have. It is intolerable to have the level of casualties in Iraq that we have. So, therefore, we should cut and run, Mr. Speaker, and that is almost the words that get used, and sometimes they actually do get used.

Well, the ranking member of the Defense Subcommittee came here on the floor some months ago, and in news conferences around the country and nationally, and then globally it got picked up and certainly by Al Jazeera and Arab TV that we should pull out of Iraq immediately. Here we are holding together this country and nurturing and training troops, and we have someone who is viewed as a leader in the armed services in this Congress who says we should immediately pull out and pull back to the horizon. That was much discussed around America, and sure it was discussed in the Middle East. I am sure it was a great inspiration to people like Zawahiri. In fact, it was a great inspiration to Zarqawi. He was alive then.

But Mr. Speaker, if we should pull out to the horizon, the horizon to me

would be some place in range, someplace where kind of the top of the hills so you look down in the valley and shoot down in there if you need to or rush down there if you have to. No. We found out where that horizon was in this past week, Mr. Speaker, when that Member, the representative from Pennsylvania, said, no, we should immediately redeploy to Okinawa. Now, how many people in America could have gotten that multiple choice question right? I would have missed it, Mr. Speaker. If you would have given me two answers, if you would have said Okinawa and let me see if I can pick another one, Australia, I would have gotten it wrong. I would have picked Australia. If you had given me 10 choices across there, I think you maybe could have picked two or three, I could have, as being more likely or less likely but Okinawa? I would have never done that in an essay question or a fill-in-the-blank.

I do not know where he came up with Okinawa as a place to deploy all of our troops over to. It is not a tactical thing that makes any sense. It is not a political thing that makes any sense to take our troops and say we are going to take you out of Iraq and we are going to put you in the barracks in Okinawa where you can train, let us say train beach landings in Okinawa to get ready to one day go back and fight in the desert in urban warfare. Does not make sense to me? Now, if he said let us deploy them down to the border, to the illegals that are coming across this border, that would have made sense, but Okinawa? To say we are going to mount military operations out of Okinawa to go into Iraq in case there is some civil unrest where you have to be there quickly, where you have to have boots on the ground, when our troops, our coalition troops and Iraqis have to understand the neighborhood, have to know the people, have to have relationships there in order to be effective? Okinawa?

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Okinawa? Okinawa? I don't think that there is anybody in America that can, with a straight face, defend such a proposal. And it causes me some concern about the foundation of where that came from.

I would like to know. I would like to know if this is kind of a mental equation where you take a kaleidoscope and you bump it and it looks a certain way; and then you leave it like that for a while and you say, this is the way it is. And then over time, you bump it again and it cracks a little differently and you get a different picture entirely. I think that is how we come up with Okinawa. It can't be a rational, deductive reasoning path that gets you there.

Even the argument that you can mount air missions out of Okinawa to come into Iraq and somehow they can be effective from there, no, Mr. Speaker, we have many bases a lot closer to Iraq. If there was the idea we would run out of those bases or fly out of those bases, it would not be out of Okinawa.

But I would submit, Mr. Speaker, that we do have a base agreement there in Okinawa. We do that in the aftermath of any of our military operations. We have open discussions with the sovereign nations that control those territories and we enter into those agreements so that we can have better security and be better positioned militarily. We have bases in Germany and we have them scattered around in other places around the globe. We have Gitmo down in Cuba that is a legacy left over from the Spanish American War of 1898. So that is something that a sovereign nation must do, Mr. Speaker.

So I think we have covered some of this with regard to the enemy, but the issue of the casualties being too great needs to be raised, Mr. Speaker. So I am going to submit something.

I was asking the question on how dangerous is it for a regular civilian in Iraq. How dangerous is it? What would it be like when I see violence on television day after day after day? I think sometimes they must announce to the television cameras there is going to be a detonation of an IED so they can set their cameras up and be homed in on the site so they can see the dust and the smoke from the explosion and the flying parts that come out of there.

How else would they know to have a video camera set up down there? And I know some of that film comes from the enemy. They set the cameras up and make sure it gets to the news. But we see it day after day after day, something that would appear to be an intolerable level of violence, and something that the people on the other side of the aisle surely can't stand to see, because they come down here on a daily basis and say, bring them home, Mr. President, we can't tolerate this type of violence.

But what must it be like for a regular Iraqi citizen, an average citizen that could be living in a random place in Iraq? They might live in a small town or city somewhere. But what are the odds that you are going to be killed in an explosion of a suicide bomber or the detonation of an improvised explosive device?

I thought I would look into that, Mr. Speaker, and I came up with some very interesting statistics, and I have them here.

This is a little example that tells us about the violent death rate across some countries, some of them selected for their high rates of violence and some selected for their low rates of violence, like the United States; but it is designed to tell us about how dangerous it is to be a regular citizen in Iraq, Mr. Speaker.

We went to a couple of Web pages and pulled the most reliable information that is available. This is the information that is used by Congressional Research Service people who provide us factual data to be used here on the floor of this Congress, Mr. Speaker, and in committees. This is the factual data that is used as a foundation for the decisions that are made in Congress. That factual data came up with these numbers for us.

The violent death rates for civilians are rated in the per 100,000 category. So here is the United States: 4.28. That means out of every 100,000 Americans each year, 4.28 of them, on average, meet a violent death. That is considered, in the civilized world, a relatively low violent death rate. There are other countries that have lower rates, certainly. Many of the States have lower violent death rates, including Iowa, I might add.

But 4.28 is compared to Mexico, with a rate that is more than three times higher. About three times higher. The violent death rate in Mexico is 13.02 per 100,000.

Now, Mr. Speaker, I take us to where Iraq is. This is our subject here, Iraq's violent death rates. An average citizen in Iraq is going to be faced with this statistical reality, that 27.51 Iraqis will die a violent death out of every 100,000.

Now, keep in mind, there are 25 million of them. So you can calculate what this number is, and I just haven't done this for this survey. But what does that compare nation to nation? Well, it is clear that Iraq is about twice as dangerous as Mexico, 27.51 compared to 13.02.

So you are about twice as likely to die a violent death in Iraq as an average citizen as you are in Mexico. But as you can see here, about seven times more likely, 6-point-something times more likely to die a violent death in Iraq than you are in the United States.

So it is not so safe by that standard, Mr. Speaker. But when we look down the line on some of these other representative countries, for example, Venezuela, with Hugo Chavez down there, who is really running a tight ship down there, I hear, with 31.61 violent deaths per 100,000.

It is more dangerous to be an average citizen in Venezuela than it is an average citizen in Iraq, Mr. Speaker. And even more dangerous yet in Jamaica, only by a little bit, with 32.42 violent deaths per 100,000.

So there is your comparison. It gets a little more dangerous as we go down the line: Iraq at 27.51, Jamaica at 32.42. But South Africa, Mr. Speaker, has 49.6 violent deaths per 100,000. Significantly more dangerous to be an average citizen in South Africa, in the nation of South Africa, than it is to be an average citizen in Iraq. Not quite twice, but moving up the line along in that direction.

Then we go to Colombia, almost a neighboring country down there. They produce a lot of drugs down there that come up into the United States. There is a drug culture down there and it is violent there, and the death rate is 61.78 violent deaths per 100,000. Clearly

more than twice as high a death rate in Colombia as there is in Iraq.

Now, that seems to be a little bit shocking, but when you go to Swaziland, 88.61 violent deaths per 100,000. So you are up there a good solid 2½ times more dangerous to be walking around in Swaziland as a regular citizen than it is to be walking around in Iraq as a regular citizen.

That gives us a sense of the level of violence that is there. Can they tolerate that level of violence? Can they be a sovereign nation with that level of violence? If it never diminishes from where it is today, can they still continue to move on and have a civil society; and could they still produce and deliver electricity and goods and services and have shops open up and close down at the end of the day and people could go on with commerce?

The answer to that is, well, they are doing it, Mr. Speaker, in Venezuela, in Jamaica, South Africa, Colombia and Swaziland every day, and we are not hearing a word about that in the news. But every day we see the violence in Iraq that the cameras have been trained on before it happens, Mr. Speaker, and it is a distorted viewpoint.

Safe in the United States, three times more dangerous in Mexico than in the United States. They have a drug culture down there too that is coming at us at a rated of $65 billion worth of illegal drugs a year, but almost seven times more dangerous in Iraq than it is in the United States, but then incrementally more dangerous in Venezuela, Jamaica, South Africa, Colombia, and Swaziland.

I think I made my point on that, Mr. Speaker.

So, then, okay we are talking nation to nation, Iraq compared to other nations. But what is it like for those of us who live in cities? We have a sense of what it is like here, for example, in Washington, D.C. Well, I just happen to have, Mr. Speaker, this little chart right here that lays out the relative violent death rate for civilians in the cities.

Now, I would point out that we have exempted military deaths in Iraq and police deaths in Iraq, and done so because they are involved in combat over there in a war against the terrorists. So they are faced with running into that on a daily basis and those casualties will certainly be higher. But we are comparing an average civilian to an average civilian in some of these other places in the world.

So we will start out here. Let us go to the low side of this, with 27.51 deaths in Iraq. Now, we could not find any reliable statistics for city-by-city data of violent deaths in Iraq, so I can't give you Mozul, I can't give you, Mr. Speaker, Kirkuk, or Basra, or Tikrit, or any of those places. That information is not available by the CRS research that has been done on these Web pages that provided this data. If it doesn't come through CRS, I don't have enough confidence in it being reliable. In fact, we just simply could not find it, so we put out what we have.

An average citizen anywhere in Iraq, to give you a sense of what it must feel like to live there, compared to Oakland, California, it is a little bit safer in Oakland, California, with 27.51 deaths per hundred thousand in Iraq and 26.1 in Oakland, California. So if you are walking the streets of Oakland, California, and you are wondering whether it is dangerous or not for you there, you should have about the same kind of feeling if you are living in a random place in Iraq.

That doesn't mean there are not highly violent locations in Iraq, but it just means that overall average citizens feel about the same as in Oakland, California.

But St. Louis is a little more dangerous than Iraq, on average, with 34.4 deaths per 100,000. Atlanta is more dangerous yet than Iraq, at 34.9 violent civilian deaths per 100,000.

Someone said, well, you didn't include the policemen's deaths in these cities. They are not included in this data. And I can't tell you actually whether they are or whether they aren't, but I went back and looked at the level of deaths that we had in the last year, one in Atlanta, and none in Washington, D.C., so you can see statistically it just simply is not relevant. So that issue doesn't really matter to this debate.

So we have 27.51 deaths per 100,000 in Iraq, average citizen; Baltimore, 37.7. If you feel safe in Baltimore, you ought to feel safe in Iraq. Detroit, 41.8. The rate is going up. If you feel safe in Detroit, you ought to feel safe in Iraq. Washington, D.C., 45.9 violent civilian deaths per 100,000, and 27.51 in Iraq.

Now we are getting up there to that number that is approaching twice as dangerous in Washington, D.C. as it is for an average citizen in a random place in Iraq. If you feel safe in Washington, D.C., you should feel equally safe in a random place in Iraq. There are many places more dangerous than that, but a random place in Iraq.

Now, when you get to New Orleans, and this number is pre-Katrina, 53.1 violent deaths per 100,000. And guess what, Mr. Speaker? They called out the National Guard and deployed troops down to New Orleans because the level of violence got so high down there, even with the diminished population. There was a violent murderous event down there, and so the Governor called out the National Guard to deploy them on the streets of New Orleans to get control of that city.

Is anyone on that side of the aisle talking about that, about calling the troops up and mobilizing the National Guard to go to New Orleans because of the crime rate? Well, it has finally happened, Mr. Speaker. This crime rate of 53.1, that is almost twice as high as the crime rate in Iraq, might well be higher than twice the crime rate in Iraq after this last flurry of crime they have had, where there were five people that were executed in one vehicle. We don't know whether it was over drugs or a grudge or both, but likely that would be the foundational excuse. There would never be a reason for doing something that horrible, Mr. Speaker.

So the Governor called out the National Guard. And the people on this side of the aisle, they are not saying, what is your exit strategy, Governor Blanco? When are you going to get the National Guard out of New Orleans? We don't need to have troops deployed there, in an American city that ought to be a civilized place. They are not calling for pulling the troops out. They are not calling for an exit strategy.

They are not objecting to troops being deployed to New Orleans to keep order for a simple crime rather than the kind of violence that comes in Iraq from the terrorists that are trying to turn that society into an uncivil society, Mr. Speaker, the terrorists that are attempting to break that country up and start a civil war; the terrorists that think if they just kill enough people, maim enough people, if they can kill enough people in a heinous enough fashion, sooner or later everyone will say, enough, I can't take it any more. Will you please just stop killing us in the brutal fashion that you are.

Why would anybody think they would ever stop? That is their religious belief. That is their religious mission. They think somehow their path to salvation is brutally killing us; killing people who are not like them. And I would submit, Mr. Speaker, that they kill more Muslims than they do Christians or Jews. Not that they are their preferred target, but it is just simply, I think, because they are handier.

Those who announce that there is a civil war in Iraq, that resolution that has been introduced over in the Senate and I believe a resolution that may have been introduced here in the House that says there is a civil war in Iraq, how can they come to such a conclusion, Mr. Speaker?

□ 2115

I will define a civil war in Iraq so folks can have a measurement to go by, and that is this: 267,000 Iraqis in uniform defending Iraqis trained on the job today, taking over more than 30 bases, covering a high percentage of the real estate in Iraq, Mr. Speaker, and these Iraqis are recruited, and they are mixed up. They are not sorted out by Kurds and Shi'as and Sunnis. They are blended together in one force.

When those Iraqis choose up sides and start shooting at each other wearing the same uniform, Mr. Speaker, that will be the definition of a civil war.

So great strides have been made. There is a great reason for optimism. There will be a successful conclusion. This Nation will not blink. This Nation will not retreat. This Nation will stand forward until victory. There is no alternative but victory, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. PELOSI) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. POE, for 5 minutes, June 29.

Ms. HARRIS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 26, 27, 28, and 29.

Mr. LEACH, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, June 26, 2006, at 12:30 p.m., for morning hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuno, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raul M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Ruben Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John R. ''Randy'' Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. ''Buck'' McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sanchez, Linda T. Sánchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, John J. H. ''Joe'' Schwarz, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8210. A letter from the Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act by the Economics and Statistics Administration (ESA) of the Department of Commerce, Revolving Fund account 13X4324, pursuant to 31

U.S.C. 1351; to the Committee on Appropriations.

8211. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Small and Disadvantaged Business Utilization Office (SADBU), Case Number 05-04, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8212. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-19, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8213. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-16, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8214. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-13, pursuant to 31 U.S.C. 1517(b) and 1351; to the Committee on Appropriations.

8215. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 03-03, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8216. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8217. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8218. A letter from the Secretary, Department of Transportation, transmitting a report of a violation of the Antideficiency Act by the Research and Innovative Technology Administration (RITA) of the Department of Transportation, Research and Development Account (69X1730), pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8219. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003,and August 6, 2004 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

8220. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

8221. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute in Taiwan on December 15, 2005 and March 8, 2006, pursuant to 22 U.S.C. 3301 et seq.; to the Committee on International Relations.

8222. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-27, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Japan for defense articles and services; to the Committee on International Relations.

8223. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended,and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108-447, notification that the Department intends to increase funding for IMET; jointly to the Committees on International Relations and Appropriations.

8224. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report of intention to impose new foreign policy-based export controls on exports of items for chemical and biological weapon end-uses, under the authority of Section 6 of the Export Administration Act of 1979, as amended and Executive Order 13222 of August 17, 2001, and extended by the Notice of August 7, 2003; to the Committee on International Relations.

8225. A letter from the Under Secretary for Industry and Security, Department of Commerce, transmitting a report that the Department intends to amend foreign policy-based export controls on exports of certain items under the authority of Section 6 of the Export Administration Act of 1979, as amended, and continued by Executive Order 13222 of August 17, 2001, as extended by the Notice of August 7, 2003; to the Committee on International Relations.

8226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 009-06); to the Committee on International Relations.

8227. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of updates to the regulations of the Chemical Weapons Convention Implementation Act of 1998; to the Committee on International Relations.

8228. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the intent to obligate Fiscal Year 2006 funds on behalf of the Bureau of Oceans and International Environmental and Scientific Affairs; to the Committee on International Relations.

8229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 062-05); to the Committee on International Relations.

8230. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

8231. A letter from the President, Eurasia Foundation, transmitting the Foundation's 2005 Annual Report entitled, ''Beyond Transition''; to the Committee on International Relations.

8232. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2006-07 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AT98) received June 14, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8233. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [Docket No. TX-054-FOR] received June 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8234. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Status for 12 Species of Picture-wing Flies from the Hawaiian Islands (RIN: 1018-AG23) received June 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8235. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrations' final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Reopening of Directed Fishery for Loligo Squid [Docket No. 051209329-5329-01; I.D. 042606C] received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8236. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Total Allowable Catches for the Northeast Multispecies Fishery for Fishing Year 2006 [Docket No. 060301058-6109-02; I.D. 022306A] (RIN: 0648-AU13) received May 15, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8237. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program [Docket No. 050722198-6084-02; I.D. 071805B] (RIN: 0648-AS93) received May 1, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8238. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30487; Amdt. No. 3160] received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8239. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2005-22632; Directorate Identifier 2005-NM-158-AD; Amendment 39-14486; AD 2006-04-05] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8240. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2005-22872; Directorate Identifier 2005-NM-198-AD; Amendment 39-14490; AD 2006-04-09] (RIN: 2120-AA64)

received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8241. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 500, 550, S550, 560, 560XL, and 750 Airplanes [Docket No. FAA-2005-22558; Directorate Identifier 2005-NM-107-AD; Amendment 39-14491; AD 2006-04-10] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8242. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Meggitt Model 602 Smoke Detectors Approved Under Technical Standard Order (TSO) TSO-C1C and Installed on Various Transport Category Airplanes, Including But Not Limited to Aerospatiale Model ATR42 and ATR72 Airplanes; Boeing Model 727 and 737 Airplanes; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30 and DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10-F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. FAA-2005-22031; Directorate Identifier 2004-NM-259-AD; Amendment 39-14885; AD 2006-04-04] (RIN: 2120-AA64) Received April 21, 2006, pursuant to 5 to the Committee on Transportation and Infrastructure.

8243. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. 2002-NM-172-AD; Amendment 39-14488; AD 2006-04-07] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8244. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model 340-541 and -642 Airplanes [Docket No. 2003-NM-211-AD; Amendment 39-14484; AD 2006-04-03] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8245. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 Series Airplanes; Model A300 B4 Series Airplanes; Model A300 B4 Series Airplanes; Model A300 B4-600 Series Airplanes; Model A300 B4-600R Airplanes; Model A300 F4 600R Series Airplanes; Model A300 C4-605R Variant F Airplanes; and Model A310-200 Series Airplanes; and Model A310-300 Series Airplanes [Docket No. FAA-2005-22411; Directorate Identifier 2005-NM-074-AD; Amendment 39-14482; AD 2006-04-01] (RIN: 2120-AA64) Received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8246. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-100 Series Airplanes, Model A319-100 Series Airplanes, Model A320-111 Airplanes; Model A320-200 Series Airplanes, and Model A321-100 Series Airplanes [Docket No. FAA-2005-23143; Directorate Identifier 2005-NM-177-AD; Amendment 39-14487; AD 2006-04-06] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8247. 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 A310-300 Series Airplanes [Docket No. FAA-2005-22455; Directorate Identifier 2005-NM-095-AD; Amendment 39-14489; AD 2006-04-08] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8248. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines [Docket No. FAA-2006-23594; Directorate Identifier 2005-NE-54-AD; Amendment 39-14497; AD 2006-04-15] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8249. 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-2006-23966; Directorate Identifier 2006-NM-024-AD; Amendment 39-14495; AD 2006-04-13] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8250. 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 [Docket No. FAA-2006-23604; Directorate Identifier 2005-NE-49-AD; Amendment 39-14498; AD 2006-05-01] (RIN: 2120-AA64) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8251. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule — Recreation Fees (RIN: 0596-AC35) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Resources.

8252. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 5316. A bill to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, and for other purposes; with amendments (Rept. 109–519 pt. 1). Ordered to be printed.

Mr. WOLF: Committee on Appropriations. H.R. 5672. A bill making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–520). Referred to the Committee of the Whole House on the State of the Union.

Mr. BUYER: Committee on Veterans' Affairs. H.R. 4843. A bill to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; with amendments (Rept. 109–521). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5318. A bill to amend title 18, United States Code, to better assure cybersecurity, and for other purposes; with an amendment (Rept. 109–522). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5337. A bill to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes; with an amendment (Rept. 109–523 Pt. 1). Ordered to be printed.

Mr. BOEHLERT: Committee on Science. H.R. 5358. A bill to authorize programs relating to science, mathematics, engineering, and technology education at the National Science Foundation and the Department of Energy Office of Science, and for other purposes; (Rept. 109–524). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. H.R. 5356. A bill to authorize the National Science Foundation and the Department of Energy Office of Science to provide grants to early career researchers to establish innovative research programs and integrate education and research, and for other purposes; with amendments (Rept. 109–525). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 5337. Referral to the Committees on Energy and Commerce and International Relations extended for a period ending not later than July 17, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN of South Carolina (for himself, Mr. MICHAUD, Mr. WELDON of Pennsylvania, and Mr. MILLER of Florida):

H.R. 5669. A bill to amend title 38, United States Code, to increase to $2,000 the amount of the Medal of Honor special pension under that title and to provide for payment of that pension to the surviving spouse of a deceased Medal of Honor recipient; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts:

H.R. 5670. A bill to repeal the Cuban Adjustment Act, Public Law 89-732; to the Committee on the Judiciary.

By Mr. BRADLEY of New Hampshire (for himself, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. NEAL of Massachusetts, Mr. SIMMONS, and Mr. GARRETT of New Jersey):

H.R. 5671. A bill to amend title 38, United States Code, to ensure appropriate payment

for the cost of long term care provided to veterans in State veterans homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CHABOT (for himself, Mr. POE, Mr. GOHMERT, and Mr. GINGREY):

H.R. 5673. A bill to amend title 18, United States Code, to make restitution mandatory for Federal crimes, and to simplify and streamline its procedures, and for other purposes; to the Committee on the Judiciary.

By Ms. LEE (for herself, Mr. LEACH, Mr. LANTOS, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. PAYNE, Mr. GUTIERREZ, Ms. NORTON, Mr. HONDA, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mr. CONYERS, Mr. WAXMAN, Mr. BERMAN, Ms. WOOLSEY, Ms. WATERS, Mr. MCGOVERN, Mr. CROWLEY, Mr. BROWN of Ohio, Mrs. MCCARTHY, Mr. WEXLER, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. SHAYS, Mr. PALLONE, Mrs. CAPPS, Mr. BLUMENAUER, Ms. MCKINNEY, Mr. OWENS, Mr. CUMMINGS, Mr. CARNAHAN, Mr. WYNN, Ms. SOLIS, Mr. NADLER, Mr. DAVIS of Illinois, Mr. STARK, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. DELAHUNT, Ms. KILPATRICK of Michigan, Mr. SANDERS, Ms. WATSON, Mr. RUSH, Mr. KUCINICH, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mrs. TAUSCHER, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Ms. CARSON, and Ms. HARMAN):

H.R. 5674. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Mr. REHBERG:

H.R. 5675. A bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 5676. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on House Administration.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 5677. A bill to provide for ethics and lobbying reform; to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. MURTHA, Mr. SKELTON, Mr. LANTOS, Mr. ABERCROMBIE, Mr. TANNER, Ms. DELAURO, Mr. STUPAK, Ms. MCCOLLUM of Minnesota, Mr. ETHERIDGE, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. KILDEE, Mrs. DAVIS of California, Mr. MEEHAN, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. HOLT, Mrs. NAPOLITANO, Ms. MATSUI, Mrs. MCCARTHY, Mr. DICKS, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. BERRY, Mr. CARDOZA, Mr. CUMMINGS, Mr. REYES, Mrs. MALONEY, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. STRICKLAND, Mr. HASTINGS of Florida, Mr. OLVER, Mr. BISHOP of New York, Mr. TOWNS, Ms. LINDA T. SÁNCHEZ of California, Mr. POMEROY, Mr. PETERSON of Minnesota, Ms. SLAUGHTER, Mrs. TAUSCHER, Ms. ROYBAL-ALLARD, Mr. WEINER, Mr. NADLER, Mr. MILLER of North Carolina, Mr. LEVIN, and Mr. CARDIN):

H.J. Res. 90. A joint resolution disapproving the granting of amnesty by the Government of Iraq to persons known to have attacked, kidnapped, wounded, or killed members of the Armed Forces of the United States or citizens of the United States in Iraq; to the Committee on International Relations.

By Ms. BORDALLO (for herself and Mr. MCCOTTER):

H. Con. Res. 432. Concurrent resolution calling on the Government of North Korea to cease all production of weapons of mass destruction, to cease proliferation of ballistic missiles, and to uphold its 1999 pledge to refrain from intercontinental ballistic missile testing, and for other purposes; to the Committee on International Relations.

By Ms. LEE (for herself, Mr. HONDA, Mrs. CHRISTENSEN, and Ms. SOLIS):

H. Con. Res. 433. Concurrent resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROTHMAN:

H. Con. Res. 434. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Varian Fry, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. WASSERMAN SCHULTZ, Mr. FOLEY, Ms. CORRINE BROWN of Florida, Mr. BOYD, Mr. DAVIS of Florida, Mr. STEARNS, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. SHAW, and Ms. HARRIS):

H. Res. 887. A resolution congratulating the Miami Heat for winning the 2006 NBA Championship; to the Committee on Government Reform.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. FOLEY, Mrs. MALONEY, Mr. LEACH, Mr. DELAHUNT, Mr. BACHUS, Ms. LEE, Mr. PAYNE, Mr. ENGEL, Mr. CONYERS, and Mr. RANGEL):

H. Res. 888. A resolution urging multilateral financial institutions to cancel Haiti's debts to such institutions under the Enhanced Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative immediately, and for other purposes; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. POE, Mr. COSTA, and Mr. STRICKLAND):

H. Res. 889. A resolution supporting the National Sexual Assault Hotline (the ''Hotline'') and commending the Hotline for counseling and supporting 1,000,000 callers; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. BILBRAY.

H.R. 65: Mr. SIMMONS.

H.R. 98: Mr. BILBRAY.

H.R. 131: Mr. LATOURETTE.

H.R. 354: Mrs. MYRICK and Mr. HOLT.

H.R. 503: Mr. ENGLISH of Pennsylvania, Mr. LEWIS of Kentucky, Mr. REGULA, Mr. MEEKS of New York, Ms. DEGETTE, Mr. RAMSTAD, Mr. DAVIS of Illinois, Mr. ADERHOLT, and Mr. LOBIONDO.

H.R. 676: Mr. VISCLOSKY.

H.R. 698: Mr. BILBRAY.

H.R. 864: Ms. JACKSON-LEE of Texas and Ms. KAPTUR.

H.R. 881: Mr. STARK.

H.R. 998: Mr. HASTINGS of Washington.

H.R. 1000: Mr. COBLE.

H.R. 1245: Mr. SKELTON and Mr. UPTON.

H.R. 1298: Mr. DEFAZIO and Mr. MCHENRY.

H.R. 1356: Ms. ROYBAL-ALLARD.

H.R. 1366: Mr. CHANDLER.

H.R. 1370: Miss MCMORRIS, and Mr. BURTON of Indiana.

H.R. 1384: Ms. HARRIS.

H.R. 1438: Mr. BILBRAY.

H.R. 1494: Mr. STUPAK.

H.R. 1545: Mr. WELDON of Florida.

H.R. 1574: Mr. CARNAHAN.

H.R. 1577: Mr. LARSON of Connecticut.

H.R. 1632: Mr. MCGOVERN.

H.R. 1671: Mr. CAPUANO.

H.R. 1898: Mr. MCKEON and Ms. MCKINNEY.

H.R. 1902: Ms. ZOE LOFGREN of California.

H.R. 1951: Mr. GONZALEZ and Mrs. MUSGRAVE.

H.R. 1986: Mr. BILBRAY.

H.R. 2048: Mr. DELAHUNT.

H.R. 2088: Mr. CONAWAY and Mr. SMITH of Texas.

H.R. 2089: Mr. GOHMERT.

H.R. 2177: Mr. CHABOT.

H.R. 2239: Mr. SAXTON and Mr. SHUSTER.

H.R. 2553: Mr. SHAYS.

H.R. 2564: Mr. WOLF.

H.R. 2717: Mrs. JONES of Ohio.

H.R. 2730: Mr. LEWIS of Georgia.

H.R. 2808: Mr. BLUMENAUER, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BOSWELL, Mr. MARCHANT, Mr. MCGOVERN, Mr. SCOTT of Virginia, Mr. RADANOVICH, Mr. BECERRA, Mr. NEAL of Massachusetts, Mr. FRANKS of Arizona, Mrs. NAPOLITANO, Ms. KILPATRICK of Michigan, Mr. LEACH, Mr. TAYLOR of Mississippi, and Ms. MCCOLLUM of Minnesota.

H.R. 3137: Mr. BILBRAY.

H.R. 3159: Mr. MARSHALL.

H.R. 3352: Mr. BUYER.

H.R. 3360: Mr. PETERSON of Minnesota.

H.R. 3449: Ms. CARSON.

H.R. 3478: Mr. WEXLER and Mr. WOLF.

H.R. 3559: Mr. TERRY and Mr. CARDIN.

H.R. 3762: Mr. MCGOVERN, Mr. WAXMAN, Mr. STARK, and Ms. MCCOLLUM of Minnesota.

H.R. 3795: Mr. CLYBURN, Mr. MCDERMOTT, and Mr. ISRAEL.

H.R. 3817: Mrs. WILSON of New Mexico.

H.R. 3861: Mr. CRAMER.

H.R. 3938: Mr. BILBRAY.

H.R. 4005: Mr. DEFAZIO and Mr. BASS.

H.R. 4033: Mr. PETERSON of Minnesota, Mr. WALDEN of Oregon, Mr. CLYBURN, and Mr. MATHESON.

H.R. 4079: Mr. BILBRAY.

H.R. 4083: Mr. BILBRAY.

H.R. 4188: Mrs. MCCARTHY.

H.R. 4341: Mr. PRICE of Georgia and Mr. POE.

H.R. 4460: Mr. HASTINGS of Florida.

H.R. 4621: Mr. REHBERG.

H.R. 4704: Mr. ALLEN.

H.R. 4712: Mr. BERRY.

H.R. 4760: Mr. SCOTT of Virginia.

H.R. 4761: Mr. ABERCROMBIE.

H.R. 4773: Ms. DELAURO, Mr. GRIJALVA, Mr. STARK, and Ms. JACKSON-LEE of Texas.

H.R. 4824: Mr. MARSHALL.

H.R. 4843: Mr. BRADY of Pennsylvania Mr. HOLDEN, Ms. HOOLEY, Mr. SNYDER, Mr. UDALL of New Mexico, and Mr. GONZALEZ.

H.R. 4873: Mr. ENGLISH of Pennsylvania and Mr. RAHALL.
H.R. 4962: Ms. SLAUGHTER, Mr. SWEENEY, and Mrs. LOWEY.
H.R. 4974: Mr. MOLLOHAN.
H.R. 4976: Mr. JONES of North Carolina and Mr. VAN HOLLEN.
H.R. 4980 Ms. MCKINNEY.
H.R. 4992: Mr. PORTER.
H.R. 4997: Ms. MCKINNEY.
H.R. 5005: Mr. DUNCAN and Mr. ROSS.
H.R. 5058: Mr. DELAHUNT.
H.R. 5070: Mr. BLUMENAUER.
H.R. 5072: Mr. RADANOVICH.
H.R. 5120: Mr. BACHUS.
H.R. 5121: Mr. OTTER, Mr. CLYBURN, Mr. FOSSELLA, Mr. ROTHMAN, Mr. DAVIS of Tennessee, Mr. LARSEN of Washington, and Mrs. BLACKBURN.
H.R. 5134: Mr. PETERSON of Minnesota.
H.R. 5137: Mr. CLAY.
H.R. 5150: Mrs. LOWEY.
H.R. 5161: Mr. GRIJALVA, Mr. BECERRA, Ms. SCHAKOWSKY, and Ms. ROYBAL-ALLARD.
H.R. 5167: Mr. YOUNG of Alaska.
H.R. 5171: Mr. DEFAZIO and Ms. MCKINNEY.
H.R. 5182: Mr. HAYES, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVIS of Tennessee, Mr. MELANCON, Mrs. CAPPS, and Mr. PRICE of Georgia.
H.R. 5185: Mr. SNYDER.
H.R. 5195: Mr. RUPPERSBERGER, Ms. SCHWARTZ of Pennsylvania, and Mr. MCCOTTER.
H.R. 5212: Mr. TIERNEY.
H.R. 5229: Mr. WYNN, Mr. LYNCH, Ms. MCCOLLUM of Minnesota, Mr. CAPUANO, Mr. MCHUGH, and Mr. LOBIONDO.
H.R. 5262: Mr. LINDER.
H.R. 5278: Mr. POE.
H.R. 5290: Ms. DELAURO.
H.R. 5312: Mr. MICHAUD.
H.R. 5315: Mr. MCINTYRE and Mrs. MCCARTHY.
H.R. 5316: Ms. DELAURO.
H.R. 5319: Mr. DOOLITTLE.
H.R. 5321: Mr. CLYBURN.
H.R. 5333: Mrs. TAUSCHER.
H.R. 5337: Mr. KUHL of New York and Mr. SULLIVAN.
H.R. 5348: Mr. CLEAVER.
H.R. 5351: Mr. BRADY of Pennsylvania, Mr. BISHOP of Georgia, and Mrs. WILSON of New Mexico.
H.R. 5356: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5358: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5363: Mr. OSBORNE.
H.R. 5365: Mr. OSBORNE.
H.R. 5371: Mr. DOGGETT, Ms. BALDWIN, Ms. WOOLSEY, Mrs. DAVIS of California, and Mr. HINCHEY.
H.R. 5372: Mr. MARSHALL, Ms. MATSUI, and Mr. MILLER of North Carolina.
H.R. 5397: Mr. BROWN of Ohio, Mr. JEFFERSON, and Mr. MOORE of Kansas.
H.R. 5416: Mr. POMBO.
H.R. 5452: Mr. CALVERT.
H.R. 5453: Mr. GORDON and Mr. PITTS.
H.R. 5457: Mr. BUYER, Mr. POE, and Mrs. JO ANN DAVIS of Virginia.
H.R. 5466: Mr. PITTS.
H.R. 5478: Mr. COBLE.
H.R. 5496: Mr. ANDREWS and Mr. PALLONE.
H.R. 5509: Mr. THOMPSON of California.
H.R. 5513: Mr. GERLACH, Mr. HOLDEN, Mrs. MCCARTHY, Mr. GILLMOR, and Mr. MCNULTY.
H.R. 5528: Mrs. MYRICK.
H.R. 5529: Mr. MURPHY and Mr. BONNER.
H.R. 5534: Mr. KINGSTON, Mr. HAYES, Mr. ROGERS of Alabama, and Mr. SOUDER.
H.R. 5536: Mr. KILDEE, Mr. CROWLEY, Mr. MCNULTY, and Ms. SCHAKOWSKY.
H.R. 5550: Ms. MCCOLLUM of Minnesota, Mr. HONDA, and Ms. SCHAKOWSKY.
H.R. 5556: Mr. MCCOTTER.
H.R. 5558: Mr. POMEROY and Mr. GRAVES.
H.R. 5562: Ms. MATSUI, Mr. SIMMONS, Mr. WOLF, Mr. BROWN of South Carolina, Mr. LANTOS, and Mr. BROWN of Ohio.
H.R. 5563: Mr. LEWIS of Georgia.
H.R. 5579: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, Mrs. MCCARTHY, and Mrs. MALONEY.
H.R. 5588: Mr. DOGGETT and Mr. LEVIN.
H.R. 5596: Mr. HOBSON.
H.R. 5636: Mr. GILLMOR.
H.R. 5638: Mr. KENNEDY of Minnesota, Mr. MANZULLO, Mr. SESSIONS, Mr. CANNON, Ms. GINNY BROWN-WAITE of Florida, Mr. DUNCAN, Mr. PAUL, Mr. JONES of North Carolina, Mr. SMITH of Texas, Mr. KUHL of New York, Mr. ROGERS of Alabama, Mr. CALVERT, Mr. MICA, Mrs. DRAKE, Mr. GIBBONS, Mrs. BIGGERT, Mr. MCCAUL of Texas, Mr. DREIER, Mr. AKIN, Mr. PUTNAM, Mr. LATHAM, Mr. JOHNSON of Illinois, Mr. WOLF, Mr. INGLIS of South Carolina, Mr. CAMPBELL of California, Mr. KLINE, Mr. SULLIVAN, Mr. CAMP of Michigan, Mr. ADERHOLT, Mr. POE, and Mr. BONILLA.
H.R. 5640: Mr. FOLEY.
H.R. 5652: Ms. WATSON.
H.J. Res. 3: Ms. HARRIS.
H.J. Res. 58: Mr. CAMPbell of California.
H.J. Res. 88: Mr. HYDE, Mr. BLUNT, Mr. PRICE of Georgia, and Mr. BOEHNER.
H. Con. Res. 137: Mrs. CAPPS.
H. Con. Res. 277: Mr. OXLEY and Mr. MILLER of Florida.
H. Con. Res. 391: Mr. ROTHMAN.
H. Con. Res. 415: Mr. LEWIS of Georgia and Mr. MILLER of North Carolina.
H. Con. Res. 424: Mr. SODREL, Mr. ROGERS of Alabama, Mr. OSBORNE, Mr. EVERETT, and Mr. PENCE.
H. Con. Res. 425: Mr. LEWIS of Georgia, Mr. MILLER of North Carolina, and Mr. MORAN of Virginia.
H. Res. 415: Mr. WILSON of South Carolina, Mr. KING of New York, Mr. ISSA, Ms. WATSON, Mrs. NAPOLITANO, Mr. CROWLEY, and Mr. CARDOZA.
H. Res. 533: Mr. COSTA, Mr. ROHRABACHER, Mr. BLUMENAUER, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 603: Mrs. CAPPS and Mr. FILNER.
H. Res. 735: Mr. SNYDER, Mr. MORAN of Virginia, Mr. HIGGINS, and Mr. PRICE of North Carolina.
H. Res. 745: Mr. UPTON.
H. Res. 773: Mr. MARCHANT.
H. Res. 787: Ms. ZOE LOFGREN of California, Ms. HARMAN, Mr. BACA, Mr. BECERRA, Mr. GONZALEZ, Mr. CARDOZA, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, and Mr. PASTOR.
H. Res. 823: Mr. BOUSTANY, Mr. FORD, Mr. PICKERING, Mr. EHLERS, Mr. MCINTYRE, Mr. PETRI, Mr. PAUL, Mr. TAYLOR of Mississippi, and Mr. SOUDER.
H. Res. 825: Mr. OBERSTAR and Mr. BROWN of Ohio.
H. Res. 838: Mr. WELLER, Mr. MCHUGH, Mr. SWEENEY, Mrs. MYRICK, Mr. WALSH, Mrs. LOWEY, and Mr. GIBBONS.
H. Res. 854: Mr. WYNN, Mr. STRICKLAND, Mr. PEARCE, Mr. CALVERT, Mr. PAYNE, Mrs. DRAKE, Mr. DAVIS of Kentucky, Mr. MEEKS of New York, Mr. MCINTYRE, Ms. PRYCE of Ohio, Mr. GRIJALVA, Mr. GOODE, Mr. AL GREEN of Texas, and Ms. ROYBAL-ALLARD.
H. Res. 858: Ms. HARMAN, Mr. LEWIS of Georgia, and Mr. LEVIN.
H. Res. 860: Mr. LYNCH, Ms. ZOE LOFGREN of California, and Mrs. MALONEY.
H. Res. 863: Mr. HOLDEN, Mrs. MCCARTHY, and Mr. DAVIS of Tennessee.
H. Res. 875: Ms. MATSUI and Mr. CLAY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mr. MARKEY on the bill H.R. 4263: Lois Capps.

Petition 11 by Mr. BARROW on House Resolution 614: John M. Spratt, Jr.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, THURSDAY, JUNE 22, 2006 No. 82

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable John E. Sununu, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, open our hands today. Help us to use them to relieve suffering, to convey friendship, and to serve others. Open our eyes, O God, to see Your plan. Teach us Your precepts so that we will honor Your Name. Open our minds, Lord. Make us relentless in searching for Your truth.

Strengthen our lawmakers for today's challenges. Infuse them with patience and give them a vision of Your purposes for our world. Keep them from making judgments without examining the facts and weighing the evidence.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John E. Sununu, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will be resuming debate on a couple of pending amendments to the Defense authorization bill. Under the agreement, we will have 60 minutes of debate and closing remarks in relation to the Levin amendment and the Kerry amendment related to Iraq. Following that 60 minutes, the two leaders will have up to 30 minutes total for final remarks. After those statements, we will proceed to three rollcall votes. The first vote will be on the Levin amendment, to be followed by the Kerry amendment, to be followed by a vote on cloture on the bill.

If cloture is invoked, the two managers will then be in a better position to indicate how much work remains on the Defense bill. It is our intent to continue to work toward final passage, and therefore Senators should expect votes throughout the day and into the evening. I will have an update for Members early this afternoon after we conclude the votes and I consult with the Democratic leader and the bill managers.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

WOMEN SENATORS

Mr. REID. Mr. President, the night before last, I went home and my wife told me: You have to be home tomorrow—that is, Wednesday night—because at 9 o'clock all nine Democratic women Senators will be on ''Larry King.'' I did get home in time to watch the nine Democratic women Senators on ''Larry King.''

When I came to the House of Representatives, there were 22 women in that huge 435–Member body. Now I think there are 62 or something like that. I don't know the exact number.

I was elected to the Senate in 1986 with BARBARA MIKULSKI. As indicated last night, she is the dean of the Senate women. She is certainly the dean of those nine Democratic Senators there.

Having experienced the Senate, a body of 100, with hardly any women, I know how much better the Senate is because of having women in the Senate. It has improved the Senate. It has improved our country.

I was so proud of those nine women last night, proud of what our country has done and what it has come to. These women have not made the Senate better simply because they work on issues relating to women. That has only been part of their talent. They have worked on wide-ranging issues. Senator MIKULSKI, for example, spent tremendous time on health. The National Institutes of Health are located in her State. Senator FEINSTEIN, for example, was the ranking member and chair of the Military Construction Subcommittee responsible for billions of dollars. She has done an outstanding job.

I am not going to run through the talents of all nine, but they have made the Senate a much better place. Even though I, as the Democratic leader, was so very proud of those nine women last night, it didn't matter what their party affiliation was. This was good for the country to see these women there on national television, talking about

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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issues they believe are important. The Senate will get better with more women. It is a unique body, and we are all very fortunate to be able to serve in the Senate. But just speaking from personal experience, the Senate, I repeat, is a much better place because of the women who serve in the Senate.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The legislative clerk read as follows:

A bill (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, and for other purposes.

Pending:

McCain amendment No. 4241, to name the Act after John Warner, a Senator from Virginia.

Levin amendment No. 4320, to state the sense of Congress on the United States policy on Iraq.

Kerry amendment No. 4442, to require the redeployment of United States Armed Forces from Iraq in order to further a political solution in Iraq, encourage the people of Iraq to provide for their own security, and achieve victory in the war on terror.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes for debate, divided as follows: Senator WARNER, 30 minutes; Senator LEVIN, 15 minutes; and Senator KERRY, 15 minutes.

Who yields time? The Senator from Arizona.

Mr. KYL. Mr. President, on behalf of Senator WARNER, would the Chair please advise me when I have consumed 10 minutes?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, since last Tuesday, scores of my constituents have called my office and otherwise communicated with us, asking a very poignant question. Since last Tuesday, this country has mourned the deaths of two brave soldiers who were kidnapped and mutilated and killed, both Army PFC Kristian Menchaca, from Texas, and Thomas Tucker, of Oregon. The question my constituents are asking me is, How on Earth could the Senate be debating resolutions of withdrawal from Iraq in the same week that we discovered the mutilated bodies of these two American soldiers? Shouldn't our debate, rather, recall the famous words of Abraham Lincoln in his Gettysburg address, ''That they shall not have died in vain,'' and motivate us to redouble our efforts to support our troops in carrying out the unfinished business that remains in Iraq?

There is unfinished business there, to bring to justice the people who committed these heinous acts and to rid that country and the region once and for all of the evildoers who support that kind of violence against both Americans and Iraqis and who promise in the future to commit that same kind of violence against us until they have become victorious. These are the terrorists.

I found it interesting that one of our colleagues was arguing, wrongly, that there were no terrorists in Iraq before we invaded the country and eliminated Saddam Hussein. The evidence is overwhelming that is not true. But in any event, of what importance is it, given the fact that they are there now, mutilating and killing American soldiers and Iraqi citizens? What do the terrorists have in mind if we pull out?

The President recently and succinctly described the plans of the terrorists, directly quoting from a letter that Ayman al-Zawahiri, who is the second in command of al-Qaida behind Osama bin Laden, wrote to Abu Mus'ab al-Zarqawi, who recently, of course, was brought to justice by American troops and was bin Laden's designated leader of al-Qaida in Iraq:

> Their objective is to drive the United States and coalition forces out of Iraq, and use the vacuum that would be created by an American retreat to gain control of that country. They would then use Iraq as a base from which to launch attacks against America, and overthrow moderate governments in the Middle East, and try to establish a totalitarian Islamic empire.

In that same letter, Zawahiri stated that the battle in Iraq ''is now the place for the greatest battle of Islam in this era.''

It doesn't matter if we are fighting them. They are going to fight us. The point is, they are going to fight us wherever the point of the battle is, based upon their choosing. Today they chose that battle to be in Iraq. In some respects, given the quality of American forces, that is a better place for us to be confronting this enemy, these evildoers, than waiting for them to come back and attack us in the United States. That is why we owe so much to the soldiers and to the sailors and to the airmen and to the Marines whom we have sent into harm's way to confront the enemy there. We owe them not just the best training and the best equipment and the best planning in the world to enable them to carry out their missions but support here at home.

The question my constituents are asking me is, What message does it send to our troops, to our allies, and to our enemies, when we begin talk of withdrawal? You can sugarcoat it all you want. You can call it phased withdrawal, you can call it timelines, but whatever you call it, it pretty much amounts to the same thing.

The distinguished minority leader, as a matter of fact, said just a couple of days ago, and I am quoting:

> I think that even though we have at least two positions, I think if you look at them closely, they're both basically the same, that there should be redeployment of troops. It's a question of when.

Indeed. One resolution says: Right away; it has to be done this year. That is a time certain, this year. And another one talks about submission of a plan with estimated dates. Dates, of course, are times certain. Whenever they are established, you have a specific time within which the withdrawal is to occur, whether it is in a phased way or all at once, right next door or 1,000 miles away. The bottom line, whatever you want to call it, is withdrawal of American troops within certain timeframes to no longer be able to perform their mission there.

Why would you take that kind of position when there is work yet to be done? It has to be based upon the guess that by the time that time comes the work will be finished, that we will have done sufficient work in Iraq and training up the Iraqi soldiers and performing, ourselves, that we will no longer be needed. But nobody supporting these resolutions knows that. The military commanders on the ground will tell you that they do not know it. No one can know what the circumstances on the ground will be by the end of 2006 or by the middle of 2007.

All wars are based upon the circumstances at a given time on the ground. It would have been folly, for example, simply because we were losing significant numbers of American soldiers in World War II, for the U.S. Congress to pass a resolution, sending it to President Roosevelt, saying you have to be out of Germany by a date certain and you have to begin a phased withdrawal of our Pacific troops by a date certain.

At that time, America was committed to performing the mission, to getting the job done, to winning the war. What should the condition for withdrawal be? Victory; the ability to say we have accomplished our mission, we have pacified the country to a sufficient extent that we can leave without creating a power vacuum into which the Iranians and the Syrians and perhaps the Turks or others might come into Iraq because of their interests in the area, not sending a message to our allies in the region that, instead of being on the winning side, it turned out that they chose the wrong side, the side that wanted to leave the battlefield before the battle was won.

Think about the Iraqis who are supplying intelligence to us right now. They have calculated that we are the winning side and that they can give us information to help get these evildoers without fear of retribution—that when we leave they are going to be vulnerable to attacks by the insurgents and the terrorists who remain. They calculate that we will stay long enough to do the job. The same thing for the 12 million Iraqi people who elected their Government and the same thing for the

Government that has now stood up in that country that does not want us to leave precipitously. Yes, of course they get the message that they have to eventually be responsible for their own security. Yes, of course they are participating in the training of their army so that they can eventually do this job themselves. They don't need to receive a message from the United States that this is ultimately going to be their responsibility.

They understand that. What we cannot do is send to the Iraqi people, who are now very increasingly cooperating with us, send a message to our allies in the region that they chose the wrong side, and send a message to our American troops that we are not willing to back them all the way to victory.

That would be the way to lose this war. It has been said many times that the insurgents and terrorists cannot defeat our troops. The only way they can win the conflict is if they defeat us here at home by undermining our confidence, by undermining our credibility, and by undermining our support for our troops.

Mr. President, this is the most serious business that the Senate could be debating. It has to do not just with the freedom of Iraqis in the future, or the lives of American soldiers, important as they are; it has to do with the security of the people of the United States of America from terrorists who are seeking places in the world from which to operate. We need to deny them that territory and that support and, in the process, persuade the neighbors of Iraq in the region that they need to stay with us, to continue to get the terrorists out of their country, continue to stop funding the terrorists, and to continue to support our efforts, so that the words of Osama bin Laden will be demonstrated as absolutely false. Remember what he said—that we are the weak horse, he's the strong horse. Where did he get that idea? Because of previous times in which we have withdrawn.

We cannot make that same mistake again. I urge my colleagues to defeat both of these amendments when they are presented this morning.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I yield to myself such time as I may require. I thank the Senator from Arizona. He has been a very strong voice, not only in this debate but all debates.

Once again, to me, the debate today hinges around getting this new Government, in which we have invested an awful lot over these 18 months in life and limb, dollars, and in every other way, up and running. It is now running, Mr. President. I have just left a meeting with the Secretary of Defense, the chairman of the Joint Chiefs, and General Casey, the field commander in Iraq, who were briefing a few of us this morning. Clearly, that Government is setting down its roots, getting stabilized, operating as a sovereign entity. We must give them that support and not send a signal that we are going to pull, possibly, the rug out from under them because it is our security environment, together with the coalition partners, that is enabling that Government to function.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. REED. Mr. President, I yield myself 5 minutes from the time allotted.

Mr. President, we should take heed of what the Government of Iraq is doing and saying. We should take heed of the fact that it has made progress in establishing itself and making significant steps forward. In this context, let me again remind my colleagues of what the National Security Adviser for Iraq has said. He suggested we should begin withdrawing troops by the end of this year. That is what the Reed-Levin amendment would require. He also suggests and predicts that by the end of 2007 most American combat forces would be out of the country. He says, in his words:

> The eventual removal of coalition troops from Iraqi streets will help the Iraqis, who now see foreign troops as occupiers rather than the liberators they were meant to be. Moreover, the removal of foreign troops will legitimize Iraq's government in the eyes of the people.

I concur with Senator WARNER that we should support the Iraqi Government, pay attention to what they are saying. I think we should pay particular attention to what Iraq's security advisor has said. This was not a casual off-the-cuff remark. He said it first on CNN, where he knew he was speaking to a world audience, particularly an American one. Then he crafted a very careful op ed opinion for the Washington Post. If that is what one of the key leaders of the Iraqi Government is saying, then I think that supports our efforts for the Reed-Levin amendment.

Also, this amendment has been mischaracterized grotesquely. This is not some arbitrary fixed timetable. This is not something where dates mean dates specific. We say precisely that the President shall submit to the Congress a plan by the end of 2006, with estimated dates for the continued, phased redeployment of U.S. forces, with the understanding that unexpected contingencies may arise. I think my colleagues demonstrate a lack of confidence in the ability of the President, listening to his commanders in the field to prepare an estimate of our posture in Iraq over the next several years. There is no end point in our amendment because we recognize, as so many others, that this process could take an indefinite time but a time that at least could be estimated by the President.

Let me also suggest that the Levin-Reed amendment recognizes there will be a residual force in Iraq of American trainers, American logisticians, and of special operations troops to seek out these terrorists, rather than having young Americans at checkpoints who are subject, because of a lack, apparently, of coordinated support, to being attacked successfully by Iraqis. That mission should be done by the Iraqis. But we cannot give up the right and capability of striking at terrorists in Iraq. This amendment clearly states that. It is something else, too, because we have a lot of people coming to the floor talking about we are going to stay the course and we are going to support them.

We have done nothing virtually with respect to nonmilitary support, effectively, for Iraq. Where are the State Department teams? Months ago, with great fanfare, the President announced we are going to develop eventual reconstruction teams and put them in the provinces of Iraq. There are only four. They lack resources, they lack personnel, and they lack real support and emphasis. Unless we can fix some nonmilitary aspects of the reconstruction, redevelopment, political mentoring, our military efforts will buy us time that we will squander, as we have squandered to date.

Now, the real test of the other side is not the rhetoric on the floor and the slogans that you cannot ''cut and run'' and appropriately recognizing the great sacrifices of our forces. It is coming down here with a plan—over many years, according to them—and the resources to support that plan—the billions and billions of dollars that we will need over the next several years, the personnel we need in the country, not just from our military forces but from our State Department, our Agency for International Development, and our Justice Department. If we are truly committed to this concept of complete victory, we need a plan. The President has to deliver such a plan. This amendment will require him, we hope, to sketch out that plan.

At the heart of this, it is not about satisfying the Congress, it is about confiding in, with candor, the American people, telling them what the risks are, what the costs are and how we are going to pay for it. It is easy to come down here and say we are going to support our troops and do all these things. But then 2 weeks from today, or a week from today, we will have a bill to cut the estate tax. How do we pay for these troops and give them equipment and reset our equipment? How do we give resources for troops in the field and support this new Iraqi Government? With what?

The real test of the other side will be when they come up with a plan and with money and with resources. I believe this approach is the most sound tactically, strategically, and politically, not to surrender but to succeed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HATCH. Mr. President, I am disappointed that we are considering legislation that would force the United

States to withdraw our troops before we have finished the job in Iraq.

It is ironic. Some of my friends on the other side of the aisle fight over judicial nominations, they fight the President while he is trying to protect our country, and they fight each other. Just about the only thing they are unwilling to fight is an actual war.

Let me be clear: We got into the war committed to success, and I am never going to allow us to cut and run.

Let me remind everyone that bin Laden inspired his followers with his view that America was easy to defeat. Let's not do anything to confirm his skewed vision. When we leave Iraq, let's make sure it is stable and secure enough to defend itself.

Last Thursday, we had our first vote on pulling out the troops. We voted on a proposal by the distinguished Senator from Massachusetts who seeks to require the President to set a date for withdrawal by December 31, 2006. Wisely, my colleagues voted down the proposal by a 93 to 6 vote. Now that is a pretty telling vote in today's partisan atmosphere.

The minority is now seeking a scheduled phaseout withdrawal, which would set an artificial deadline that would only encourage and embolden our Nation's enemies. I am sure this will get more votes than the previous proposal, but it clearly doesn't have the votes to pass, and it shouldn't. The enemy will use this estimate and tell the Iraqi population that the United States is leaving. This could have tremendously harmful repercussions.

The United States clearly has a strategy for meeting this difficult challenge in Iraq. Some of those on the other side insist on focusing on the difficulties, while asserting that we have no strategy.

Our goal is to stay in Iraq as long as necessary, but not one day longer.

Our strategy is to ensure that the Iraqi people have developed a secure constitutional government that embodies a national compact between all Iraqi groups.

And it is training their forces to provide for their own security.

We have made significant progress. The Iraqis have formed a national government, and they are taking more and more responsibility for their security.

In fact, Iraq has nearly 265,000 trained security forces now—including 115,000 for defense—and that is building daily. Our troops are serving with Iraqi units and running joint combat operations.

We also have—in conjunction with Iraqis—put Al-Qaida, the Saddamites and the Sunni insurgents on the defensive. They spend more time running from us than they do attacking us, although we all agree they are still lethal.

I think it is shameful that we are even considering proposals to withdraw our troops before the job is done in Iraq.

We have seen the cost of U.S. withdrawal before, and we should learn from our past history.

If our Nation sets an artificial deadline for the removal of our forces, all our adversaries need to do is husband their resources until we leave and then emerge, possibly destroying all of the accomplishments to date.

That is not a plan for success—that is a plan for failure.

Mr. NELSON of Florida. Mr. President, the Senate's debate on U.S. policy with respect to the war in Iraq has been healthy. There is no question but that every Member of this Chamber is deeply proud of America's men and women in uniform and the magnificent job they have done and continue to do to bring peace and stability to that troubled land. Like all my colleagues, I want them all to come home to their loved ones and this grateful Nation as soon as possible. But our departure from Iraq must not leave a greater risk of terror taking hold there. We cannot afford to leave Iraq in a condition that terrorists could take over the country, as they did in Afghanistan before September 11.

I have given the views of my colleagues on all sides of today's votes careful consideration. I have concluded that I cannot support any policy that would set an arbitrary timeline for the start, rate, or conclusion of the withdrawal of U.S. forces from Iraq.

The decision to drawdown American forces must be based on the application of our military commanders' professional judgment assessing actual security conditions on the ground. Withdrawal of U.S. forces must be based on the objective criteria of local stability and the capability of Iraqi forces.

Setting a timeline for withdrawal limits our Commander in Chief's strategic options and denies our local commanders the operational flexibility necessary to sustain progress to stability and reduce the risks of the insurgency taking any tactical advantage.

We all pray for the safe return of every one of our men and women in uniform, as soon as the mission of leaving Iraq in the hands of a stable government can be accomplished.

Mr. JEFFORDS. Mr. President, all of Vermont is breathing a sigh of relief with the return from Iraq of 350 members of the Vermont National Guard, many of whom have spent most of the past year in Al Ramadi, one of the hot spots of the war. We are terribly proud of the outstanding job they have done, working in a dangerous area, attempting to root out insurgents, bring stability to the region, and provide a climate that will permit reconstruction and development. These brave men and women have set their private lives on hold for a year and a half, risking injury or death, in order to give Iraqi citizens a chance at a better life. I thank them and all Vermonters who have served and continue to serve in Iraq, Afghanistan and Kuwait.

Vermont has lost 23 sons in the Iraq war, one of the highest per capita casualty rates of any State. As Task Force Saber returns, we hold particularly close the families of those members who are not returning: MSG Chris Chapin of Proctor, 1LT Mark Dooley of Wilmington, SPC Scott McLaughlin of Hardwick; 2LT Mark Procopio of Burlington; SGT Joshua Allen Johnson of Richford and SPC Christopher Merchant of Hardwick. My thoughts and prayers are with them.

Vermont soldiers have performed admirably the job that was asked of them. Now it is incumbent upon us to determine what our role in Iraq should be and how that role should be carried out in the coming year.

I opposed this war from the very beginning. I did not believe the administration's claims that Saddam Hussein was an immediate threat to the United States, and I believed that working through the United Nations would more effectively curtail Saddam Hussein's regime. At the start, in 2003, our presence was welcome, and we had an important obligation to the Iraqi people. But now we find that our presence is in part feeding the cycle of violence that is tearing Iraq apart. Foreign terrorists continue to be recruited to Iraq because that is where they can attack Americans. Iraqi groups are polarized over the American presence and how and when American forces should leave. American military actions continue to be controversial and continue to radicalize certain elements of the population. The newly established permanent Government of Iraq struggles to assert its sovereignty in the face of the heavy American military presence.

It is time that we step back and hand more of the security functions over to the Iraqi security forces. We have been training Iraqi military and police for 3 years. Finally, significant numbers of Iraqi units are able to take over for American units and are doing so in many places across the country. We owe it to them to train, equip, and support Iraqi security forces. But the Iraqi security forces deserve the chance to independently establish the security required for reconstruction and development.

Sectarian violence across Iraq seems to be exacerbated by the U.S. military presence. The presence of American forces makes it more difficult for moderates on all sides to keep out foreign jihadists who are anxious to alter the traditional secular orientation of Iraqi society. The presence of American forces makes it more difficult to shift the Iraqi national debate from conflict to the formation of a unified and effective government. The ongoing presence of American forces makes it harder for the new Iraqi government to take on primary responsibility for countering insurgents in the future.

Ultimately, it must be the Iraqi people, working through their new institutions of government, who find solutions to the religious, ethnic, and cultural divisions that threaten to tear Iraq apart. The Shiite majority must realize that unless it incorporates strong Sunni representation into the

new Government, Sunni minorities will not feel that they can count on the protection of the Government. Kurdish groups want guarantees that their autonomy will be respected. Smaller ethnic and religious groups are worried that democracy means tyranny by the majority over minority populations. The Iraqi people must devise the solutions to these complex problems. They are not likely to look like American solutions. Some of these solutions may not even feel right to us. But our troops have fought for the right of the Iraqi people to decide these things for themselves. We must step back and let them do that.

Getting American troops off the streets of Iraq will remove the sense of occupation that currently pervades parts of Iraq and makes Iraqis feel that their fate is not in their own hands. We may also increase our own security by reducing our visibility in Iraq. Images of American troops patrolling Iraqi streets continue to inflame conservative Arab elements all over the world. The struggle against American occupation is one of the biggest recruiting slogans for radical Muslim groups. If we are serious about fighting terrorism, then we must be mindful of where our own actions foster radicalism and strengthen the enemy.

I will vote for the amendment by the Senator from Massachusetts, Mr. KERRY. The Kerry amendment calls for the withdrawal of the majority of American troops by this time next year, leaving in place those troops necessary to train Iraqi security forces, to conduct specialized counterterrorism operations, or to protect American facilities and personnel. This language would allow U.S. troops to stay in Iraq where absolutely necessary but would bring the bulk of our troops home.

I will also support the Levin amendment, which requires that withdrawal of U.S. forces begin before the end of this year. It calls upon the administration to set up a timetable for the phased redeployment of U.S. troops. It makes clear to the Iraqi Government, the Bush administration, and the American people that we must start getting out of Iraq. While this amendment is not as firm as the Kerry amendment, I believe it is an improvement over the current policy of just staying the course with no clear guidance on withdrawal.

Mr. President, we owe it to the men and women who are serving so nobly in Iraq to not leave them in harm's way 1 day longer than is necessary. We can and we must start drawing down the number of troops in Iraq and bringing our people home. This is the right move for our troops, and it is the right move for the Iraqi people. It takes political courage to change course. It is time the Congress showed a little courage in the face of the daily acts of valor displayed by our troops under fire. I call upon my colleagues to rise to the occasion and do what needs to be done. It is time to end a bad policy and focus our efforts on the reconstruction and development of Iraq.

Mr. SARBANES. Mr. President, the Department of Defense authorization bill for fiscal year 2007 has now been under consideration on the Senate floor for more than a week. Much of that time has been devoted to discussion of Iraq, which casts a long shadow over every decision we are called to make. I regret that there has been such great unwillingness, until now, to have this issue freely debated on the floor of the Senate, and I commend the floor managers for allowing us to fulfill our constitutional responsibility. If ever there was a time for a resolute and reasoned assessment of our policy in Iraq, this is it.

In undertaking unilateral military action to remove Saddam, the administration chose to pursue a costly policy that has seriously undermined our ability to focus on and deal effectively with the urgent national-security challenges we face. Turning its back on 50 years of bipartisan consensus on the need to work collectively and cooperatively through multilateral institutions—a consensus that carried us through the darkest years of the Cold War—this administration insisted on a go-it-alone strategy that made only minimal gestures toward diplomacy. Pushing aside the many diplomatic, economic and political resources at his disposal, the President squandered the vast outpouring of support that resulted from the tragic events of 9/11. His policies have divided us not only from the vast population of the Muslim and developing world, whose support is more important now than ever in the fight against terrorism, but also from many of our traditional friends and allies in Europe and Asia.

More than 3 years ago I took the Senate floor and posed this question: ''Are we going to seek to exercise our power in cooperation, in coordination with others, which in the current context means working through the United Nations; or are we going to move down the path of asserting a unilateral preemptive prerogative, in effect, asserting our right to do what we want anywhere, anytime, to anyone?'' I say now that the administration made a grievous mistake in pursuing the second path, and thus today we find ourselves forced to deal with the consequences. Mr. President, I call to the attention of my colleagues my remarks of October 9, 2002.

Had the United States taken that more prudent course, we would find ourselves in a different, and, I would argue, immeasurably stronger position than we are in today. Before the invasion began, we had investigators from the International Atomic Energy Agency on the ground in Iraq, where they were tracking down and following up all reports of weapons of mass destruction. U.S. and British aircraft were enforcing two U.N.-backed no-fly zones, one to protect the Kurds in the north, and another to protect Shiites in the south. In effect, we had Saddam Hussein in a corner, and we were keeping him there with the blessing of the international community.

The President chose instead to take a reckless and irresponsible gamble. We can count up the number of deaths, we can count up the number of dollars, we can count up the number of injuries from which people will never recover, but none of this begins to account for the true costs to our Nation. We have lost more than 2,500 courageous and dedicated men and women—a tragedy for them and their families, and also for the nation, because they represented the promise and hope of our future. This is not to mention the tens of thousands of innocent Iraqi civilians, women and children alike, who were caught in the crossfire. We have diminished our standing in the eyes of the world, and having declined to use the tools of diplomacy at our disposal, we now find their effectiveness diminished. This military action has clouded our vision and distorted our priorities to the point that the entire question of national security must now be debated through the prism of Iraq.

With our diplomatic resources focused overwhelmingly on Iraq, we have undermined our ability to achieve national security objectives we know to be critical. Today the challenge in Afghanistan is growing, not receding. More than in the past, al Qaida is an international phenomenon that adapts to local conditions, making its detection and destruction ever more difficult. The nuclear challenge posed by Iran is gaining momentum at the same time that our presence in Iraq immeasurably complicates the problems of dealing effectively with Iran, and North Korea has raised its own nuclear challenge to a new level.

Our country's standing in the world community has been diminished on numerous fronts by the profoundly misguided invasion of Iraq and our continuing failure to meet the goals we set for ourselves. We have seriously undermined working relations with our traditional partners and allies, which the President's trip to Vienna has yet again put on vivid display. Sixteen of the original 37 members of the coalition which the administration touted have withdrawn their troops, Japan being only the most recent to announce its departure. Of those who remain, only the United Kingdom has more than 5,000 soldiers on the ground.

This is to say nothing of the toll Iraq has taken at home. There are thousands who have been disabled by serious war-related injuries and trauma. Hundreds of thousands of families have been torn apart by lengthy and unplanned Guard and reserve duty, often creating substantial financial hardship. Our National Guard, thus stretched, is less able to render assistance in the situations it was designed to address. We have had to divert hard-pressed resources from urgent domestic priorities, the recovery from Hurricane Katrina among them.

Yet the administration refuses to face these realities. When at a hearing of the Senate Foreign Relations Committee last fall I asked Secretary of State Condoleezza Rice, referring to Iraq, ''Do you think five years from now, some American forces will have come out?'' She said, ''Senator, I don't want to speculate.'' Even when asked, ''What about 10 years from now?'' she refused to rule out the prospect that our troops would still be on the ground in Iraq. Her response revealed the administration's adamant refusal to think through to the consequences of the action, which has characterized our policy in Iraq from the beginning.

It is long past time to face the situation squarely and undertake a fundamental redirection of the policy before more damage is done. The war not only has taken a terrible toll in terms of lives and hopes for the future; it has diverted our attention from the real and urgent threats to our national security and compromised our ability to deal with them. We should not be pursuing an open-ended commitment in Iraq. It was a war that need never have begun. By failing to offer to a viable strategy to bring it to an end, the administration does a grave disservice to our Nation.

Mr. WARNER. Mr. President, in fairness, we should give the sponsors of the Kerry-Feingold amendment the opportunity to speak to the Senate.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, I ask to be informed when I have consumed up to 7 minutes.

Mr. President, I thank my colleague from Massachusetts, Senator KERRY, for working together with me so well on this very important amendment. We understand that we are not going to get a majority. We know we are not going to get anywhere near a majority. The Senator and I know we represent the view of a majority of the American people, which has clearly been demonstrated in every indication, whether it be conversation, polling, or town meetings that I hold in Wisconsin. The people of this country know that we have to finish this Iraq mission, that it cannot be open-ended.

To me, the most touching moment of the debate came when the senior Senator from Massachusetts quoted his own brother, Robert Kennedy, who for many of us was a central figure who inspired us to go into politics. I hope he doesn't mind my repeating Robert Kennedy's words in 1968:

> Past error is no excuse for its own perpetuation.

That is what the Iraq situation represents. Let's be clear. Every one of us, as the Senator from Massachusetts pointed out last night, voted for the Afghanistan invasion. We did not think that was a mistake. I ask my colleagues on the other side, if they believe we believe in cut-and-run, why aren't we trying to cut-and-run from Afghanistan? Why is no Senator saying: Let's get the troops out of Afghanistan, as difficult as it is? Because that was not a mistake, because that was essential, because we had to go after the Taliban and al-Qaida. It was not a mistake.

What is a mistake, though, is to continue indefinitely the Iraq invasion and Iraq situation with some 138,000 troops, without any realization or recognition that it is sapping our strength, it is sapping our credibility around the world, and it is sapping the resources of our military. It is sapping the recruitment ability of our military. In other words, it is weakening America.

At the same time, as I mentioned on the floor yesterday, the situation appears to be slipping in places where we know al-Qaida was operating—such as Somalia or Mogadishu, now taken over by a radical Islamic government. We are trying to work with Indonesia's Government, but the fact is, in the area between the Philippines and Malaysia and Indonesia, there is an ungoverned area where groups sympathetic to al-Qaida are operating. This is a threat of the exact kind that 9/11 represents, and we know they have successfully pulled off attacks in Indonesia.

Perhaps most compelling to me is the fact that we are losing ground in Afghanistan because we have stopped paying attention to the No. 1 priority in the fight against terrorism.

Let me quote from the Washington Post article from June 20, entitled ''In Tribal Pakistan a Tide of Militancy.'' It says:

> In north Waziristan, barbers are ordered not to shave off beards, and thieves have been swiftly beheaded. In Swat, television sets and VCRs have been burned in public. In Dir, religious groups openly recruit teenagers to fight U.S. forces in Afghanistan. In the Khyber area, armed squads have burst into rooming houses, forcing people to pledge to obey Islamic law.
>
> . . . A tide of Islamic militancy is spreading across and beyond the semiautonomous tribal areas of northwest Pakistan, that hug the Afghan border.
>
> . . . Observers say the army's aggressive efforts since 2004 have backfired, alienating the populace with heavy-handed tactics and undermining the traditional authority of tribal elders and officials.

How did we lose focus on those who attacked us on 9/11? Does it make sense to continue to pour virtually all our resources into an Iraq war that is not working? It is time to tell the Iraqis that we have done what we can do militarily, that we will continue to help them in many ways, and we will continue to have special operations forces capacity in that region to take on situations, such as the al-Zarqawi situation. But the notion of continuing to put all of these resources just into Iraq on the absurd notion that that is the key to the fight against al-Qaida is one of the worst mistakes in American foreign policy history. This is an enormous disservice to the American people, and it is especially a disservice to the families of those who have died, those who have been injured, and those who continue to serve. We owe it to those families to not be standing here when No. 3,000 soldier has died. It doesn't have to happen. It doesn't have to be. What is happening now is a horrible situation, not the imagined problems that the other side continually suggests will occur if we have a reasonable program to bring this to a conclusion within the coming year.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. The Senator has consumed 5 minutes.

Mr. FEINGOLD. Mr. President, I have been a legislator for almost 25 years now. I must say, this is one of the toughest moments of my career, to see the Senate not recognize that we were falsely led into a war, that we falsely led the American people into believing this had something to do with 9/11, and that many of the things that have happened simply didn't have to happen. That is water over the dam.

What has happened after the mistake was made is that mistake after mistake has been compounded. Every day this myth that somehow Iraq is the central focus of the war on terrorism is being used as an excuse to send more and more Americans into harm's way, which is not necessary.

Iraq is not the be all and end all of our national security. Iraq is not the situation that led to 9/11. The American people know it. It is time for this body to catch up and have a reasonable plan to finish the Iraq mission so we can focus on those who attacked us on 9/11.

I reserve the remainder of our time.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time?

Mr. LEVIN. Madam President, how much time remains?

The PRESIDING OFFICER. There is 8 minutes 15 seconds remaining.

Mr. LEVIN. How about Senator WARNER's time?

The PRESIDING OFFICER. Senator WARNER has 18½ minutes remaining.

Mr. LEVIN. Senator KERRY will go next.

Mr. WARNER. My understanding, Madam President, is that Senator KERRY has approximately 7½ minutes; is that correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 15 seconds.

The Senator from Massachusetts.

Mr. KERRY. Madam President, this is obviously the most important issue facing the country today. I listened to my colleagues on the other side try to make this a debate about something that it is not about.

All of us support the troops. The only question here is how do we most effectively support them. The best way to support the troops is to get this policy right. That is how we support the troops.

There is nothing more disappointing than being a troop in the field and see you are doing missions that don't

make sense or that the overall strategy doesn't make sense. And the record here—as the Senator from Wisconsin has said in quoting Robert Kennedy about past error justifying a perpetuation of the same—the record here is not good.

Prediction after prediction after prediction has been wrong. Policy choice after policy choice after policy choice has been wrong. Young men and women in the U.S. Armed Forces have been wounded and killed because of bad policy decisions, and it is not enough to come to the floor of the Senate and insist: Oh, we have to stay the course because otherwise what our troops are doing would be lost or be in vain.

What would be lost and be in vain is not to look at and think about what is happening over there and to adjust appropriately. Our troops want us and deserve for us to get this policy right.

What Senator FEINGOLD and I are offering, along with Senator LEAHY and Senator BOXER, is a plan that gets it right, that helps us get on a path where we demand accountability and where we still support Iraq.

Sure, we can muddle along on this course. None of us have come to the floor and said the cause is lost. None of us have suggested that we just have to walk away and leave chaos. That is not what this plan does. This plan honors the investment of our troops, and, in fact, what it does is provide a better way of not only empowering the Iraqis but of empowering the United States of America to fight a more effective war on terror.

Let me say it plainly. Redeploying U.S. troops is necessary for success in Iraq, and it is necessary to be able to fight a more effective war on terror. That is why we put this program forward.

Our amendment requires redeployment of American combat forces with important exceptions. At the end of the year, if, in fact, it is necessary to continue to train in order to stand up the Iraqis, we allow for that. If we need to continue to fight al-Qaida because we haven't destroyed it completely in the next year, we allow for that. And we allow, obviously, for the protection of American facilities and forces. There is no other reason to be in Iraq a year from now, other than standing up the Iraqi forces or chasing al-Qaida or protecting our facilities.

So, in fact, what we are providing for is exactly what our policy ought to be, but it begins the redeployment because the fact is—and our generals have said it and every expert has said it—the large presence of American forces in Iraq is contributing to the insurgency.

Why on Earth would Senators want to come to the floor and argue, Let's just stay the course and do the same old thing, when our own generals have told us the same old thing is part of the problem, the same old thing is attracting terrorists, the same old thing is losing us allies, the same old thing is costing us unbelievable sums of money and costing us lives unnecessarily?

Our plan believes there is a better way to fight the war on terror and a better way to be successful in Iraq. It is different from what Senator LEVIN and others are offering, but it is not different in that it has every component of the plan they offer.

I have heard some Senators say we don't have a plan. We have exactly the same plan that is in the Levin amendment except we go further. We maintain an over-the-horizon force to protect our security interests in the region.

In addition to that, we have a date, and it is binding. I don't believe at this point in time that our troops are well served by only having a sense-of-the-Senate resolution. We ought to make policy. We helped make policy that put them there, and we ought to help make the policy to help get them out of there.

Let me also be clear about this, Madam President: This plan continues support for Iraq. There is no drop dead, no depart, no ultimatum. It gives them a deadline to stand up, but it provides the President the ability to continue to train if that hasn't completely happened. The fact is, this amendment permits us to accomplish the job.

General Casey has said—how many times does the commanding general have to say it?—this war cannot be won militarily. The only way to do this is to bring parties together and resolve the political differences that are feeding the insurgency.

How much time do I have remaining?

The PRESIDING OFFICER. There is 2½ minutes remaining.

Mr. KERRY. Madam President, the National Security Adviser of Iraq said it this week. How many of our colleagues came over to the Senate the other day and argued about the sovereignty of Iraq? I am for the sovereignty of Iraq. The sovereignty of Iraq is respected by respecting what they are saying about themselves.

Prime Minister Maliki says they will be able to take the security of 16 out of 18 provinces by the end of this year. Let's honor that. Prime Minister Maliki said getting our troops out will, in fact, legitimize the Government, it will help them. Other Iraqis and Sunnis have said that. Madam President, 94 percent of the Sunnis say the United States should set a timetable; 90 percent of the Shia say the United States should set a timetable. Are the Iraqis cutting and running on themselves by saying that? Of course not.

All these comparisons with World War II are absolutely ridiculous. Of course we wouldn't set a date when we are fighting a uniformed force that has invaded other countries and we can understand how to do it. But this is not a uniformed force. These are terrorists and these are insurgents and these are criminals. These are people whom we need to fight differently. And when our own presence is adding to their ability to recruit, if we are going to be smart, we ought to think about how we are going to turn around and fight differently.

I remember what it was like when we fought in a war where we were bound by a policy without thinking about how we could change it and be more effective. An awful lot of lives were lost as a result of that when policy leaders failed to change the policy and do what was necessary to win.

If the Iraqis themselves keep talking about a timetable and only deadlines have worked up until this point—the deadline for the transfer of authority for the provisional government, a deadline for the Constitution. The Iraqis wanted to let it slip. We said no. We held their feet to the fire. They did the Constitution. It was the same thing with the elections. We set a deadline. We said the date will be now. They wanted to let it slide. We said no. They held the elections.

I believe it is a more effective way to put America in a position of strength, in a position to fight the war on terror in Somalia, in Afghanistan, and in the other places of the world where al-Qaida is growing. Iraq has been a diversion from the real war on terror, and Iraq has weakened the United States in the world. We deserve to take a position that supports our troops by getting this policy right.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Virginia.

Mr. WARNER. Madam President, before we start on the next speaker, as I understand it, the standing order recites that the Levin amendment would be the first vote. If I understand the request of the distinguished colleague from Michigan, there is a preference to have it switched so that the Kerry vote will be first. Is that a request being propounded?

Mr. LEVIN. The Senator is correct. I asked both Senators KERRY and FEINGOLD as to what their preference is. They do prefer to go first. That is fine with me, if it is OK with the manager of the bill.

Mr. WARNER. Madam President, there will be no objection on this side to that request. So for the advice of all Senators, the first vote that will occur will be on the Kerry-Feingold amendment to be followed by the Levin-Reed amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. WARNER. I yield such time as the distinguished Senator requires.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I rise once again to oppose the amendment offered by the Senators from Michigan and Rhode Island and the amendment offered by the Senators from Massachusetts and Wisconsin.

Before I speak about the problems I believe to be inherent in these amendments, I would like for a moment to discuss the nature of the debate upon which this body is engaged.

The discussion over this war is perhaps the most consequential debate the Senate will engage in this year or perhaps in several years. The outcome of the war will impact the stability of the Middle East and the nature of U.S. foreign policy for a generation. It is that important.

So our debate in this Chamber should be a serious weighing of the arguments. Sometimes, unfortunately, the debate seems to have deteriorated into sloganeering, but overall, I think this debate has been very helpful.

I reiterate the fact that we should respect the views of those who disagree with us. I respect and have known my colleagues who are sponsors of these amendments, and I believe that a good, healthy, strong debate is what this Nation needs. In that spirit, I would like to discuss again my strong opposition to the two amendments.

By calling for a withdrawal of American troops tied to arbitrary timetables rather than conditions in country, these amendments literally risk disaster for our intervention in Iraq.

Madam President, the Iraqi security forces, I say to my friends, are clearly unable to maintain security on their own. All one has to do is look at every news story every morning or every evening. Even with the presence of coalition forces in Iraq today, the violence and instability remain at unacceptably high levels. To abandon the fledgling Iraqi Army and police to the insurgents, the militias and the terrorists would risk chaos in Iraq, and chaos in Iraq would mean disaster.

Madam President, there is an old line about those of us who ignore the lessons and mistakes of history are doomed to repeat them. Afghanistan is the classic example of what could happen in Iraq. After years and years of incredible assistance to those who were seeking freedom from the then-Soviet Union occupation of Afghanistan, the Russians were driven out. Then, incredibly, the United States of America totally disengaged—totally disengaged—from Afghanistan. I commend to my colleagues a book called ''Ghost Wars'' by Steve Coll which won a Pulitzer prize. And in that vacuum, of course, came the Taliban, and the Taliban then obviously was not only a terribly oppressive, brutal, and cruel regime but became a hotbed of training for terrorists, al-Qaida and others.

It is clear to me that if we abandon Iraq to that same chaos, there is no doubt who would come to power, at least in some parts of Iraq, and the consequences we would pay for that.

We watched Afghanistan descend into chaos. There continues to be much debate about Saddam Hussein's connections to terrorists before our invasion, but there can be no doubt about the centrality of this conflict on the war on terror today. A failed state in Iraq would pose a clear, present, and enduring danger to the security of our country.

Now, the sponsors of these amendments seem to base them on a premise that if we begin withdrawing, the Iraqi Government will somehow get serious and fight the insurgency on its own without our help. That makes the assumption, incredibly, that the present Government in Iraq and the military who are out there fighting all the time and their police are somehow not serious. Of course they are serious. They are just not capable. It is going to take more time and more effort and, I am sorry to say, more American sacrifice before they are capable of assuming those responsibilities. Rather than inducing the Government to crack down on the insurgency, beginning a U.S. withdrawal is more likely to induce average Iraqis to join a militia for protection rather than cast their lots with the Government.

I would also ask the sponsors of the amendments what they advocate if we withdraw and the violence actually worsens and full-scale civil war ensues or terrorists then enjoy a safe haven to plan attacks against Americans and our friends. Do we then face the options only of tolerating this situation in perpetuity or reinvading the country?

We have just one choice in Iraq, and that is to see our mission there through to victory. What does victory mean? It is the classic reduction and eventual elimination of any insurgency, an economy that works, a government that functions, and a military and police that are able to come back and eventually eliminate and destroy an insurgency. That is the way every insurgency in history was put down. There is no peace signing on board the USS *Missouri*. There are no Paris peace talks. It is an insurgency that has to be surrounded, contained, and eliminated.

That is not to say this victory will be quick and easy. It is long and it is hard and it is tough, and many mistakes have been made and all of us have been frustrated by those mistakes. Many of us have been terribly frustrated by the inflated estimates and over-optimistic statements that so frustrated us and the American people when the conditions don't warrant it. It is still tough today. We can't fall prey to wishful thinking, that we can put the costs and the difficulties and the frustrations aside by ignoring our challenges and responsibilities. That is something we cannot do.

Madam President, I congratulate my colleagues for their participation in this debate. The American people expect nothing less of us. I hope we are a better informed nation and a better informed body when we vote. It will probably not be the last time we address this issue, but I think it has been done in a comprehensive fashion.

I would close by reminding my colleagues that it was the United States that led the invasion of Iraq, the United States led the occupation, and the United States, with our Iraqi partners, has the responsibility to see this through. It will take more time, more commitment, more support, and more brave Americans who will lose their lives in the service of this great cause. Despite our cajoling, nagging, and pleading, few other countries around the world will share much of our burden. Iraq is for us to do, for us to win or lose, for us to suffer the consequences or share in the benefits. But in the end, there is only one United States of America, and it is to us that history will look for courage and commitment.

I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I commend my longtime friend from Arizona. He in a very succinct way looked at this debate in the context of what is going on today and tomorrow and the weeks and months to come in Iraq, but he is also looking at it in the context of the future, how generations that follow us will look back on this chapter and moment in history and how the Congress of the United States, hopefully, has given support to the Commander in Chief under the Constitution—our President—to direct the operations of the current conflicts.

The Senator also touched on how we have conducted this debate. I wish to just repeat a few remarks of my opening remarks yesterday with respect to my colleague from Michigan in addressing his amendment. I said that I have studied it carefully. I did not denounce the amendment; I said it was a serious amendment, and it is a serious amendment. It deserves serious thought, and I, and I think others, have given that serious thought to our colleague on his amendment. But I strongly oppose it.

Unlike last year where I sat down and was able to work out with him a conciliatory, bipartisan amendment which got three-quarters of the votes of the Senate, it just, in the form he presented it, was not an option this time. Therefore, regrettably, we approach these critically important votes with far greater partisanship than I had hoped. I had hoped we would have greater bipartisanship.

But my basic message to America and to my colleagues is that we have put an enormous investment into these conflicts, both in Iraq and in Afghanistan. We are focusing today on Iraq, but we have to look at the others.

Madam President, 2,500-plus Americans have lost their lives and left families and loved ones grieving, and 18,000 have survived their wounds and are working to reestablish themselves, many going back into uniform or having never left uniform, but remaining in, which is to their everlasting credit, but others receiving the love and the care of their families and their communities in which they live. There has been enormous sacrifice. We have dollars incalculable in amounts.

Also, what we have on the line is the credibility of the United States of

America. The voice of this Senate will be recorded momentarily. I am optimistic it will be recorded in a way to support the President and his statements that we are there to work with the Iraqi people, to establish their democracy, which they have worked on these 18 months, now with a permanent, unified government, and to try to let this Government of only weeks establish itself, send its roots into the ground, derive its strength, and begin to govern and govern fully a sovereign nation and take on all of the responsibilities.

Both of these amendments, the amendment of the Senator from Michigan and the amendment of the Senator from Massachusetts, would send a message which would indicate there is some wavering, some equivocation here at home in supporting our President, the Commander in Chief, and that goes to the basic credibility of the United States of America, which is on the line in these votes.

There is not one of us here who doesn't desire to have our forces brought home at the earliest possible date, but the formulation by which they can come home rests on the ability of this Government to seize those reins, to establish that security, to rebuild that infrastructure, and gain the confidence and the respect of the Iraqi people. That is a tough job, given the strong dissent between the various religious factions, but this Government appears to be up to it. It must be given a chance. It cannot be crippled at this earliest stage by messages coming from this Chamber and elsewhere that we have less than full confidence in their ability to achieve the goals of a full democracy in Iraq, and they are taking the reins to direct their people. Our credibility is on the line, Madam President.

So I say to my colleagues as you approach this vote, it will be one of the most important that you have ever cast. Future generations of Americans will look back upon this very moment to determine if two branches of our Government, the executive and the legislative, stood side by side in honoring those who have given their lives, their wounds, and the 1 million other men and women of the Armed Forces, plus untold American citizens who, in the years of the Iraqi conflict, have gone over and accepted the risks of serving there, be that in the military or civilian capacities. This is a very heavy investment which has been made by many thousands of courageous Americans to see that we have gotten to where we are today; namely, a new government, a unity government, and to give that government a chance to function without in any way jeopardizing that by sending a signal that we have less than full confidence in their ability to achieve their goals.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There is 3½ minutes remaining.

Mr. WARNER. I reserve the remainder of the time.

Mr. LEVIN. Madam President, I yield 3½ minutes to the Senator from North Dakota.

Mr. CONRAD. Madam President, I do not believe it is a wise policy to set a specific date for withdrawal from Iraq. I do believe it makes sense to begin to redeploy our forces sometime this year. Therefore, I will support the Levin amendment. I believe that is the right policy for the following reasons:

No. 1, our military commanders have made clear that is their intention. In fact, the news this morning says in a headline: ''U.S. Military to Send Equipment Home.'' The story goes on to say that the U.S. military has begun sending thousands of Humvees and other war equipment home as more Iraqi units join the fight. The move also anticipates that the number of American troops in Iraq will decline.

Is anybody suggesting our military is engaged in a cut-and-run strategy? I don't think so. It is not a cut-and-run strategy. It has been the long-term plan to begin to redeploy this year.

No. 2, the President has repeatedly said: We will stand down as the Iraqis stand up. Well, according to the administration, tens of thousands, even hundreds of thousands of Iraqis have now stood up. It is time for us to begin to redeploy. That does not constitute a cut-and-run approach but simply common sense.

No. 3, Iraq is ultimately the responsibility of the Iraqis. We cannot forever do the job for them. They must defend their own freedom.

No. 4, there are other priority threats that require our attention, including the worldwide al-Qaida conspiracy, North Korea nuclear weapons and missile development, and Iranian nuclear development.

For those reasons, I support a policy of beginning to redeploy our forces in Iraq this year but without a specific timetable or an arbitrary pace for reducing those troop commitments. That is the right policy. That is the policy outlined in the Levin amendment.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Madam President, I had intended to reserve a brief period of time for the President pro tempore, Mr. STEVENS, but in his absence, I will just once again conclude.

The message today is whether we are here to uphold the credibility of the United States of America, as stated most eloquently by our President, as we have come to establish a new government in Iraq. That has been achieved. It has now been 18 months since the beginning of their elections, brave elections, followed by the establishment of a unity government. That Government is functioning, and we must give it an opportunity to govern.

Our President said it most succinctly upon his return from Iraq:

> My message to the Iraqi people is this: Seize the moment. Seize this opportunity to develop a government of and by and for the people. And I also have a message to the Iraqi people, that when America gives a commitment, America keeps its commitment.

I yield the floor and yield back any time remaining.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the credibility of the United States has been proven with the loss of lives and the number of wounded we have suffered in Iraq. We have proven our credibility over 2,500 times because we have lost more than 2,500 of our troops. We have proven our credibility over 17,000 times in terms of the number of people who have been wounded in Iraq. We have proven our credibility with hundreds of billions of dollars to give the Iraqis an opportunity to have a nation. It is up to them to seize that opportunity. It is up to them to decide to make a choice. Do they want a civil war? Do they want to engage in more sectarian battles? Or do they want to reach the kind of political compromises which are essential if they are going to have a nation and end the insurgency and avoid an all-out civil war?

Our credibility has been proven thousands of times and with billions of dollars. We have given a people an opportunity that is extraordinary. We cannot make the decision for them, whether they will seize that opportunity. Only they can make that decision.

Last year we adopted, by an overwhelming vote, an amendment which said that 2006 would be a year of significant transition, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for a phased redeployment of U.S. forces in Iraq. Similar to last year's sense of the Congress, this year's sense of the Congress that we are offering is an attempt to change our policy from one of an open-ended commitment—a policy that, as the Secretary of State put it, we are there as long as they need us; as the President of Iraq, Mr. Talabani, put it, the Americans will stay with all the forces that we want for as long as we want them. That is a recipe, a formula for dependency. It is not the way in which Iraq can learn that it must, on its own, in a reasonable period of time, with reasonable notice and consultation, begin to ween itself, as General Casey put it, from overdependence on the American military.

That is the issue. That is what our amendment would urge the President to do. Our amendment does not order the President, as some on that side have actually put it. This is a sense of the Senate. This is something where we, the authors of this amendment, believe that we have a responsibility to use our best efforts to give our best advice as to what our policy should be. It is not a policy of immediately redeploying forces. There is not a precipitous nature to this amendment. It says

by the end of this year, in the next 6 months, to begin the phased redeployment of American forces from Iraq.

That is what the Iraqis say their policy is. That is what their security adviser says their policy is. Their own security adviser, Mr. Rubaie, in the Washington Post 2 days ago said: We envisage the U.S. troop presence by year's end to be under 100,000. That is a redeployment of 30,000 troops. Our amendment tells the Iraqis: Stay with that. Stick to that policy. It is the right policy. You must take over your own nation and make it work and make it happen.

Then Mr. Rubaie, the National Security Adviser of Iraq, in a written document presented to the American people through our newspaper, says that ''the removal of coalition troops from Iraqi streets will help the Iraqis who now see foreign troops as occupiers rather than liberators.'' He says, ''The removal of foreign troops will legitimize Iraq's government in the eyes of its people.''

Our amendment urging the President to end an open-ended commitment of our troops to Iraq and to begin the redeployment by year's end is a way of implementing what the Iraqis themselves have said they plan on doing.

All Senators want Iraq to end as a success story, every one of us. There is not one Senator who wants anything other than to maximize the chances of success in Iraq. No matter how we voted on the original resolution authorizing force, every one of the 25 or so Senators who voted against that resolution—and I am one of them—wants to maximize the chances of success in Iraq. But to do that, we must prod the Iraqis to take the responsibility for their own nation.

I thank the Presiding Officer and my dear friend from Virginia for the way in which this debate has proceeded. I hope we have made a contribution to the Senate and to the Nation.

Mr. WARNER. Madam President, the order requires that the votes be taken. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Without objection, it is in order to seek the yeas and nays on both amendments.

Is there a sufficient second?

There is a sufficient second with respect to both amendments.

The yeas and nays were ordered.

Mr. WARNER. At this time, the parliamentary situation is leader time, and I yield the floor to the distinguished Democratic leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Madam President, I would be certainly amiss if I didn't extend my appreciation for the civil nature of this debate to two of the Senate's finest, the distinguished Senator from Virginia and the distinguished Senator from Michigan, two of the finest the Senate has ever had. I thank them both very much for the civil nature of this very contentious debate.

Mr. WARNER. I thank our colleague.

Mr. REID. ''That we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American people.'' Let me repeat that. ''That we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American people.''

That was Republican President Theodore Roosevelt who said that. It is an appropriate quote for the Senate to hear before we vote.

Today we will decide on a way to move forward in Iraq. I speak in support of the Levin-Reed amendment. I believe it is long past time to change course in Iraq and start to end the President's open-ended commitment. It is time for sound policy, not more tired slogans designed to distort the facts and divide the American people. It is time for a strategy that honors the brave service of our troops. A majority of Americans recognize that we need a new strategy in Iraq. I am hopeful a bipartisan majority of this body will agree.

Almost 4 years ago, we stood in this Chamber debating whether to give the President the authority to go to war in Iraq. Much has happened in Iraq since that fateful day, at a great price to our troops, our taxpayers, our country, and our security. The Iraq war will soon become the longest conflict in this Nation's history, longer than World War II, a war in which we fought across Europe, North Africa, and the Pacific. My own State of Nevada, a small, sparsely populated State, has paid an enormous price in this war. We have lost 39 soldiers in Iraq and Afghanistan, most of them in Iraq. That is 39 fathers, brothers, uncles, sons, daughters, and aunts who will never come home. Thousands of other Nevadans have sacrificed as well. Last year 70 percent of the National Guard of Nevada was deployed. These Nevadans deserve to know their sacrifices will be honored. They deserve to know their Government has a plan for success in Iraq that honors our troops and completes the mission. Just as important, they deserve an honest debate, not political slogans and not a President and a Republican Congress content with no plan and no end in sight.

Today the real choice facing this body is a choice between doing nothing, the so-called ''stay the course'' option the President and his supporters advocate, or changing the course and providing our troops and the Iraqi people a way forward. After 4 long years, more than 2,500 Americans have died, thousands have been grievously wounded. Hundreds of billions of dollars have been spent and threats ignored around the globe. Congress needs to offer a new direction. I believe we need to signal to the Iraqi Government that our patience and our presence in Iraq are not unlimited. We need to say to President Bush: You need a plan for the Iraqis to take responsibility for their own country, their own security, so that the phased redeployment of U.S. troops from Iraq can begin by year's end.

Robert Taft, a great Republican Senator, said:

> Criticism in time of war is essential to the maintenance of any kind of democratic government.

Senator Taft was talking about World War II. But his words still ring true. There is nothing careless about pointing to the President's mistakes and missteps in Iraq. In fact, we must. His misjudgments have made America less safe. From the outset, administration blunders increased the costs and risks of confronting Saddam Hussein and securing Iraq: The administration built its case for war on faulty and cherry-picked intelligence. Smoking guns would become mushroom clouds. Al-Qaida and Saddam had a dangerous alliance. Nuclear weapons materials were flowing into Iraq from Africa. We could invade Iraq without diverting resources from the ongoing war on terror. The Iraq war would be over quickly, and the costs would be covered by the proceeds from Iraqi oil sales.

All these assertions, every one of them, turned out to be false. By the start of 2003, U.S. troops and intelligence assets had already been diverted from the hunt for Osama bin Laden in order to prepare for an attack on Iraq. The President's war plan turned out to be as deficient as the prewar intelligence. He rejected the Powell Doctrine's key tenets: No. 1, that military force should be used as a last resort; No. 2, that force, when used, should be overwhelming; and No. 3, that there must be a clear exit strategy from the conflict. And he rejected the advice of his senior military commanders who called for 4 to 500,000 troops, a recommendation that was based on years of hard-learned and costly lessons.

As a result, after the Iraqi Government fell, there were not enough forces to pacify the country, to control looting, to guard the ammo dumps, to secure the borders, and to restore civility. The seeds for the insurgency and the sectarian warfare that would soon plague Iraq had been sown. But this didn't stop the President from donning a flight suit and landing on an aircraft carrier to declare ''mission accomplished'' in May of 2003, more than 2 years ago.

Since that date, 95 percent of our casualties have occurred in Iraq—since the ''mission accomplished'' performance on that aircraft carrier.

Meanwhile, his viceroy in Baghdad continued to execute a series of disastrous decisions, including disbanding the Iraqi Army, purging the Government of all Baath Party officials, and delaying the training of Iraqi security forces. These early missteps had far-reaching consequences that our troops must live with.

Three and a half years after the start of the war, there is still not a single Iraq Army battalion that can operate

independently—not one. On the reconstruction front, things aren't any better. The President who campaigned on the pledge not to do nation building unfortunately stuck to that pledge. From the start, the rebuilding effort was plagued in Iraq by massive corruption and contracting abuses. The American taxpayer and the Iraqi people have paid the price.

Power, water, and oil production all soon slipped below prewar levels. Today, oil production is still 400,000 barrels per day below prewar levels. And the availability of electricity in Baghdad dropped from 16 hours a day prior to the war to its current average of 4 hours a day.

These Bush administration missteps have reduced Iraqi support for our presence and fueled anti-American sentiments and insurgent activity. As a result, the mission of our troops has become more difficult and certainly more dangerous.

At the same time the President was sending too few troops for the mission in Iraq, he even failed to provide those he did send—those valiant troops—with armor and equipment which they need to do the job. Military families already stretched and burdened from multiple deployments were forced to buy armor and ship it to their loved ones serving in Iraq.

They went out and bought equipment and sent it to their loved ones because the military wasn't providing it. Combat units had to jury-rig vehicles with scrap metal in order to get some extra degree of protection from the improvised explosive devices—and understandably so.

A study by the Marine Corps last year found that 80 percent of upper-body fatalities could have been prevented with proper armor. The greatest military in the world should not have to depend on scrap metal from Iraqi junk yards to protect its troops.

Meanwhile, security problems in Iraq grow more dangerous every day. In April and May of this year alone, more than 160 U.S. troops have been killed in Iraq. Weekly insurgent attacks are higher than they have ever been. At least five troops were killed in Iraq yesterday. We don't know the exact number, but at least five were killed yesterday.

The country has become what is was not before the war—a training ground and a launching pad for acts of international terror.

The killing of terrorist Zarqawi was a step forward. But as we have seen, the killings have not ended. Sectarian violence has not ceased because the Iraqi Government has failed to make the political compromises necessary to create a stable government that can provide for the security of its people—people taken from buses, kidnapped, and likely will be killed.

That is only part of what happened last night in Iraq. I recall vividly when the Senate paused for a moment of silence when we reached the grim milestone of 2,000 U.S. military killed in Iraq. But just last week on a date that arrived far too quickly, we paused again to honor the now 2,500 who have given their lives. And, of course, that figure has since passed and there is more.

The Senate has an obligation to our troops and their families to do everything we can to delay indefinitely the next milestone. Are we going to have a moment of silence for 3,000 of our best?

Twenty-five hundred dead Americans is not ''just a number,'' as Tony Snowe, the President's spokesman, said. These 2,500 are sons, daughters, mothers, fathers, husbands, and wives. They are PFC Thomas Tucker and PFC Kristian Menchaca, whose mutilated bodies were found in Iraq yesterday. These aren't just numbers.

We owe it to these troops and all of our forces serving in Iraq to develop a sound policy. We hear a lot of rhetoric about ''supporting the troops.'' But the best way we can support them is with a smart strategy—not with more rhetoric or slogans. That is why the Levin-Reed amendment is so important.

The Levin-Reed amendment recognizes that it is time to transform the U.S. mission in Iraq and to begin the responsible redeployment of U.S. forces this year. It builds upon the bipartisan Senate amendment which we passed overwhelmingly last year calling for ''2006 to be a year of significant transition in Iraq.'' With the midpoint of 2006 upon us, that transition must begin.

The open-ended commitment advocated by the President and the majority—that is the Republicans in this body—is not the way to get the Iraqis to assume responsibility for governing and securing their country. They have trained 287,000 troops.

The Levin-Reed amendment recognizes that there are only political solutions remaining in Iraq, not military solutions. This amendment rightfully focuses on the need to reconcile the sectarian differences, to regionalize the U.S. strategy, and to revitalize reconstruction efforts.

Passage of this amendment would chart a new course, one that is well balanced between the military, the political, the regional, and the international solutions. An open-ended commitment is not sustainable, and the American people know that.

The war is now costing the American people every month upwards of $2 billion—$500 million each week. The military has been stretched so thin, with every available combat unit of the Army and Marine Corps serving multiple tours in Iraq.

This war is not a matter for ''future Presidents'' as President Bush said. It is his war. It is the war of President George Bush. And the time to act is now, for as we are bogged down in Iraq, the threats to our freedom around the world only grow.

An open-ended commitment in Iraq hurts our ability to address other national security challenges around the world. While beginning the phased redeployment this year will allow many of our troops to come home, it will also permit the President to redeploy forces so they can deal with other crises such as we now have in Afghanistan—where four or five were killed yesterday—where the resurgent Taliban threat must be eliminated and Osama bin Laden must be finally captured or killed.

I watched the floor debate yesterday. The majority, instead of offering their vision for the future in Iraq, or even speaking to the merits of the Levin-Reed amendment, chose to resort to a familiar playbook straight from Karl Rove's book of partisan political tricks. They have engaged in these cheap political attacks saying Democrats want to ''surrender'' and ''cut and run.'' Not only are these attacks baseless, but they won't help Iraqis—and they certainly won't help our troops who are right now lugging 70-pound packs in 100-degree heat while trying to avoid roadside bombs and snipers.

The Republicans in the Senate stand alone, insisting on ''no plan and no end.'' It isn't a position shared by the American people, and it isn't even a position shared by our military leaders.

On today's morning news, it is reported that General Casey, commander of U.S. forces in Iraq, has stated that thousands of troops will likely be redeployed by year's end. That is General Casey.

To my Republican colleagues, is General Casey surrendering? To my Republican colleagues, is General Casey cutting and running? To my Republican colleagues, is General Casey admitting defeat? I think not.

Over at the White House, we see similar partisan games. The administration continues to mislead the American people. The Vice President continues to insist the insurgency is in its ''last throes,'' despite the headlines we read every day. The President continues to insist that we will ''stand down when Iraqis stand up.'' That has yet to occur.

It is time to change from the slogans, the attacks, and the continual misleading nature of this administration as it relates to the war in Iraq. Demanding a change of course is not irresponsible, it is not unpatriotic, it is the right thing to do.

Edward R. Murrow said:

> We must not confuse dissent with disloyalty. When the loyal opposition dies, I think the soul of America dies with it.

For all of those troops who are serving on their third and fourth tours of duty, for those who have served on their first and second tours of duty, for all those Iraqis who want to see an end to the civil war plaguing their nation, for all those people who want Iraq to succeed in delivering a free and democratic way of life, for those who believe we need to refocus on the larger global war on terror, we must vote for a change in policy and a change in direction. We must reject the ''stay the

course'' doctrine of the Bush administration. We must vote for the Levin-Reed amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Madam President, I thank both managers for a superb debate and discussion over the course of the last several days—and really the last several weeks—as we have focused on an issue that is no more important to the American people than the safety and security of the American people.

We can take great pride in what our Nation and our military men and women have accomplished in Iraq. We thank them. We thank their families for their commitment and for their dedication. But we did not go into Iraq in pursuit of oil or riches or some other national advantage. We went as a volunteer—as a nation willing to enforce the mandates of the you U.N. Security Council when others were content to allow Saddam Hussein to defy those mandates.

Some critics accused us at the time of ''unilateralism,'' but in fact we acted to vindicate multilateralism—most importantly, the authority of the Security Council and the credibility of many resolutions it adopted with respect to Iraq between 1991 and 2003.

We went into Iraq to end a cruel dictatorship and free a people that was no less deserving of freedom than any other. As a result of our efforts, the dictatorship has ended, and the people of Iraq are now embarked on a grand democratic project, seeking to build a pluralistic, multiethnic, multireligious democracy in the heart of the Arab world.

This is a project without precedent in the Arab world. And because it is so novel, it has come under assault from religious fundamentalists, Sunni and Shiite extremists, and others whose narrow agendas are threatened by the prospect of democracy in that part of the world.

We have made an enormous investment in the success of this project. It would be foolish to squander that investment just as we are seeing success.

Last year, millions of Iraqis—half of them women—defied the threats of the terrorists and streamed to the polls in three national elections. Iraq's Sunni population participated in greater numbers each time.

On June 8—just a couple of weeks ago—the new democratically elected Prime Minister Jawad al-Maliki named the last three Cabinet members, the Ministers of Defense, Interior, and Security, thereby completing formation of his unity government.

That same day, the death of the foremost terrorist in Iraq, Abu Musab al-Zarqawi, was announced in Baghdad. That was huge progress.

We made a commitment to the new government of Prime Minister Maliki, and it would be impossible to imagine a worse time than now, just 2 weeks after that government was fully formed and its most ferocious enemy eliminated, to turn our backs on it.

None of us know for sure exactly how the democratic reform in Iraq will turn out, as we stay committed, but we do know it will fail if it is abandoned prematurely by the United States.

Withdrawal is not an option. Surrender is not a solution. Every Senator must make his own decision and live with his own conscience, but this Senator will not be responsible for condemning the 26 million people of Iraq to decades more of violence and repression—not when there is a democratic alternative before us that is so manifestly committed to creating the kind of pluralistic society that until now has been absent from the Arab world.

Another reason we went into Iraq was because we were convinced that Saddam Hussein was continuing his pursuit of weapons of mass destruction—chemical weapons that he had developed and used before.

And the events of 9/11 had taught us that there is no greater threat to us today than that posed by state sponsors of terrorism—such as Iraq under Saddam Hussein—working to acquire such weapons.

After the war, of course, there emerged a big debate over whether Saddam Hussein really was working on weapons of mass destruction in 2003.

But there is no debate that there was a strong international consensus prior to 2003 that Saddam Hussein must be pursuing weapons of mass destruction.

This was the view not only of the Bush administration, but also of the Clinton administration, as well as the opinion of most other governments around the world.

It made sense for two reasons.

First, Saddam Hussein had a long track record of not only seeking, but also of using, chemical weapons. He had used chemical weapons against his own people in the 1980s. And at the end of the first Persian Gulf war in 1991 he was found to have an advanced nuclear weapons program—a program that may have only been 1 to 2 years away from producing a nuclear weapon.

Second, Saddam Hussein was acting like a man who had something to hide; he was obstructing the U.N.'s weapons inspectors and repeatedly defying U.S. disarmament mandates. No one can explain why Saddam acted this way if he in fact had no weapons of mass destruction programs to hide.

And it is certainly true that if Saddam Hussein were still in power today, Iraq would remain on the list with Iran and North Korea of countries that we fear will develop weapons of mass destruction and pass them to terrorists.

Because Saddam Hussein has been removed from power, Iraq is no longer on that list.

But we must remember that many of Saddam's weapons scientist—those who produced the chemical weapons he used against the Kurds in the 1980s and who came close to producing nuclear weapons in the early 1990s—are still in Iraq.

However, in a democratic Iraq these scientists pose no threat because a democratic Iraq would never seek to revive Saddam Hussein's weapons programs.

If we were to cut and run from Iraq, and risk letting the terrorists take power, we would again have to fear that these scientists, and what remains of Saddam's weapons infrastructure, would once again be put to work producing weapons that in the hands of international terrorists could destroy our cities and decimate our population.

Again, every Senator must live with his own conscience, but this Senator does not want to be complicit in a decision that could reverse the success we've achieved since 9/11 in keeping terrorism from our shores and weapons of mass destruction out of the hands of terrorists.

The amendments before us are intentionally misleading. They are written in soft language and wrapped in reassuring concepts.

They don't sue such terms as ''retreat'' or ''withdrawal,'' but instead call for ''redeployment'' of our Armed Forces from Iraq.

They don't say that the withdrawal should take place on an artificial timetable and be concluded by an arbitrary date. Instead, they say that the ''redeployment'' should take place under a ''schedule,'' that the ''schedule'' should be ''planned,'' that the ''plan'' should be ''coordinated'' with the Government of Iraq, and that the Congress should be ''consulted'' at every stage.

None of this artful language, however, can conceal what is really proposed and what really at stake.

The proponents of these amendments want us to tell the new Government of Iraq that we're leaving—no matter what the implications for the future of their country; no matter how much they plead with us to stay; no matter how great the risk that the investment that we and they have made to date in building a new Iraq will be squandered and turned to naught.

The amendments may differ in some of the details—how long we'll wait until we actually leave, how emphatically we tell the Iraqi people we really care about them as we walk out the door, but the bottom line is the same.

The amendments tell us to set a deadline and leave by the deadline.

This would be a dangerous policy, a reckless policy, and a shameful policy.

The time to leave Iraq is when we have achieved our objectives. If we knew our objectives were unachievable then these amendments might make sense. But our objectives are achievable and we are achieving them.

The brave men and women of our Armed Forces are fighting daily to win victory in Iraq, and it would dishonor them, to say nothing of their fallen comrades, to cut and run at a time as promising as now.

The spirit of these amendments is the spirit of defeatism and surrender.

This is not the spirit that made America the great Nation it is today, and I trust that when we vote we will

send the message that there is no room for defeatism in the United States.

The PRESIDING OFFICER (Mr. ENSIGN). The question is on agreeing to the amendment No. 4442 offered by the Senator from Massachusetts.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 13, nays 86, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—13

Akaka	Inouye	Leahy
Boxer	Jeffords	Menendez
Durbin	Kennedy	Wyden
Feingold	Kerry	
Harkin	Lautenberg	

NAYS—86

Alexander	DeWine	Mikulski
Allard	Dodd	Murkowski
Allen	Dole	Murray
Baucus	Domenici	Nelson (FL)
Bayh	Dorgan	Nelson (NE)
Bennett	Ensign	Obama
Biden	Enzi	Pryor
Bingaman	Feinstein	Reed
Bond	Frist	Reid
Brownback	Graham	Roberts
Bunning	Grassley	Salazar
Burns	Gregg	Santorum
Burr	Hagel	Sarbanes
Byrd	Hatch	Schumer
Cantwell	Hutchison	Sessions
Carper	Inhofe	Shelby
Chafee	Isakson	Smith
Chambliss	Johnson	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Levin	Sununu
Collins	Lieberman	Talent
Conrad	Lincoln	Thomas
Cornyn	Lott	Thune
Craig	Lugar	Vitter
Crapo	Martinez	Voinovich
Dayton	McCain	Warner
DeMint	McConnell	

NOT VOTING—1

Rockefeller

The amendment (No. 4442) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, the following two votes will each be 10 minutes in duration.

The PRESIDING OFFICER. The question is on agreeing to the Levin amendment No. 4320.

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—39

Akaka	Bayh	Bingaman
Baucus	Biden	Boxer
Byrd	Harkin	Menendez
Cantwell	Inouye	Mikulski
Carper	Jeffords	Murray
Chafee	Johnson	Obama
Clinton	Kennedy	Reed
Conrad	Kerry	Reid
Dodd	Kohl	Salazar
Dorgan	Lautenberg	Sarbanes
Durbin	Leahy	Schumer
Feingold	Levin	Stabenow
Feinstein	Lincoln	Wyden

NAYS—60

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Bond	Frist	Pryor
Brownback	Graham	Roberts
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Snowe
Cochran	Inhofe	Specter
Coleman	Isakson	Stevens
Collins	Kyl	Sununu
Cornyn	Landrieu	Talent
Craig	Lieberman	Thomas
Crapo	Lott	Thune
Dayton	Lugar	Vitter
DeMint	Martinez	Voinovich
DeWine	McCain	Warner

NOT VOTING—1

Rockefeller

The amendment (No. 4320) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I oppose cutting off debate on this important bill prematurely. I have two amendments that have not been considered by the Senate—one to help service members called to active duty, the other to cancel this year's automatic pay raise for Members of Congress—that will be shut out if we invoke cloture. We should be doing all that we can to help members of our armed services who are serving so courageously. And, with the Nation's deficits and the tab for the Iraq war at alarming levels, we should not be accepting another backdoor payraise. At a minimum, the Senate should consider and vote on those worthy amendments before completing work on the Defense authorization bill.

CLOTURE MOTION

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 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 S. 2766, the National Defense Authorization Act for fiscal year 2007.

Bill Frist, John W. Warner, John E. Sununu, Jim Bunning, George Allen, Lamar Alexander, Craig Thomas, Kay Bailey Hutchison, Chuck Hagel, Ted Stevens, Judd Gregg, Robert F. Bennett, Thad Cochran, Pat Roberts, Pete Domenici, Jim Inhofe, Jeff Sessions.

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 S. 2766, the National Defense Authorization Act for fiscal year 2007, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 1, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—98

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	

NAYS—1

Feingold

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 98, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, first, on behalf of Senator LEVIN and myself, I thank all the Members for the strong cooperation to procedurally move this series of amendments and to proceed with the bill. Speaking just for myself—my ranking member is absent for a moment—I believe very strongly that this bill can be completed today before sunset. Of course, this is one of the longest days of the year, so that might be a little longer than some might wish, but I do think it is achievable. I say that most respectfully.

What we recommend to be done now—and I will ask unanimous consent—is the Senate now turn to an

amendment by the distinguished Senator from Texas, and I am told by the Senator that she will seek a voice vote. That has been cleared on both sides. The next amendment will be offered by our distinguished colleague from Georgia, a member of the committee, Mr. CHAMBLISS. That will take perhaps an hour or more and will require a record vote. Thereafter, I ask unanimous consent that the Senate then recognize the Senator from Minnesota, Mr. DAYTON, to address the Senate with regard to amendments and the bill as a whole.

I would also say to colleagues, subject to confirmation by the leadership, that I am recommending there be no votes from now until 3:30. There are two very serious functions taking place, both of a religious nature, in our city, and Members are attending either the last rites of Philip Merrill, a personal friend of mine, a wonderful man who recently lost his life on the Chesapeake Bay, and then I understand a distinguished archbishop of the Catholic Church is being installed with a ceremony today.

Therefore, the bill will continue its momentum in this period of time, and following those votes, I am certain the leadership will give the managers such guidance as to when we can conclude this bill, which again I hope will be today.

So at this time, I yield the floor.

Mr. MCCAIN. Mr. President, if the chairman will yield just for a second, we don't need an hour on this amendment, I say to my friend from Virginia. I think 40 minutes equally divided would be sufficient for my purposes. I don't know about the author of the amendment; he might want more time.

Mr. CHAMBLISS. Mr. President, the only thing I would say is I have several folks who want to speak on it. If we could get an hour equally divided, my guess is we won't use it.

Mr. WARNER. Mr. President, I ask unanimous consent that there be an hour equally divided between the distinguished Senators from Georgia and Arizona on the Chambliss amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. We have covered as much ground as we can procedurally at this point, and I yield the floor.

AMENDMENT NO. 4377

Mrs. HUTCHISON. I call up amendment No. 4377 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 4377.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include a delineation of the homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review)

At the end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

''(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.''.

Mrs. HUTCHISON. Mr. President, this amendment would require the Department of Defense to clarify in the Quadrennial Defense Review the homeland defense and civil support missions of the National Guard and Reserves.

The QDR is a comprehensive examination of national defense strategy, force structure, force mobilization, and modernization plans, infrastructure, budget plans—all elements of the defense program. It is the planning that goes on every 4 years. The QDR is in process now for the next 4 years. The goal of the QDR is to determine the defense strategy of the United States and its established defense programs for the next 20 years, and it is updated every 4 years.

For decades, homeland defense has been a mission of the Department of Defense. However, only after the 9/11 attacks in 2001 did this very important mission really come to the forefront in defense planning. Unfortunately, the present QDR lacks sufficient guidance for the Guard and Reserve components in this very important mission they have.

The amendment I am proposing would require the Department of Defense to include in the QDR a definition of the homeland defense and civil support missions of the National Guard and Reserves. The Department has not really formalized the requirements for the role of the National Guard and Reserve in homeland security. We know the President has ordered the deployment of Guard and Reserve to our borders to try to secure our borders, so we need a really comprehensive look and guidance for the Reserve component, particularly the Guard, concerning their roles and how they will be able to train and equip for homeland security missions.

Today, the National Guard and Reserve must debate the merits of their initiatives and their equipment procurement. That is not the way it should be. Our Guard and Reserve do a fabulous job. They are on active duty in Iraq and Afghanistan today. They have gone through several cycles of deployment to Iraq and Afghanistan. There is a Texas Guard unit in Bosnia in command and control today, continuing the peacekeeping mission there. They are doing their jobs, they are being called up at a level that is very high, but ambiguities remain in their homeland security mission.

Competition for resources continues, and there is a lack of clarity about what role the Department actually expects them to have. This omission was painfully obvious after 9/11. After Hurricanes Rita and Katrina and now with the deployment to the border, which I totally support, their mission is once again expanding. This amendment will provide the DOD with the information it needs to determine the role the National Guard and Reserves should have, must have, and will continue to have, but with more clarification, in the defense of our country.

This is a very important amendment. I believe it will add to their responsibilities, and they will be able to get the equipment and the training they need to do the jobs we are asking them to do in homeland defense and for the other civil emergencies we have.

Mr. President, I ask for the support of my colleagues for this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mrs. HUTCHISON. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 4377) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we will turn to the distinguished Senator from Georgia for his amendment, with 1 hour equally divided.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 4261

Mr. CHAMBLISS. I rise today to call up amendment No. 4261 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself, Mr. HATCH, Mr. ISAKSON, Mr. INHOFE, Mr. LIEBERMAN, Mr. CORNYN, Mr. THUNE, Mr. BENNETT and Mr. STEVENS, proposes an amendment numbered 4261.

Mr. CHAMBLISS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize multiyear procurement of F–22A fighter aircraft and F–119 engines)

On page 29, strike lines 6 through 15 and insert the following:

SEC. 146. FUNDING FOR PROCUREMENT OF F–22A FIGHTER AIRCRAFT.

(a) PROHIBITION ON USE OF INCREMENTAL FUNDING.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A fighter aircraft.

(b) MULTIYEAR PROCUREMENT.—The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of not more than 60 F–22A fighter aircraft.

SEC. 147. MULTIYEAR PROCUREMENT OF F–119 ENGINES FOR F–22A FIGHTER AIRCRAFT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract beginning with the fiscal year 2007 program year for procurement of the following:

(1) Not more than 120 F–119 engines for F–22A fighter aircraft.

(2) Not more than 13 spare F–119 engines for F–22A fighter aircraft.

Mr. CHAMBLISS. Let me say, it is very difficult, any time you have to oppose your subcommittee chairman—and in this case the full committee chairman—on an issue, particularly two Senators whom I hold in such high esteem. But we do have a disagreement in a very professional way on this issue. At the end of the day, all of us intend to do what is in the best interests of the men and women who fight for America.

The F–22A Raptor is the U.S. Air Force's top priority for providing a joint force with air dominance, operational access, homeland and cruise missile defense for the next 20-plus years. The F–22A is a first-of-a-kind multimission fighter aircraft that combines Stealth, supercruise, advanced maneuverability, and integrated avionics to make it the world's most capable combat aircraft.

This amendment authorizes a 3-year multiyear procurement contract for the F–22. This is not about spending money, it is about saving money, and it is about good acquisition practices and policy.

This amendment will save approximately $235 million as a minimum amount, allowing DOD to use this money for other priorities or allow us, the Congress, to return these dollars to the taxpayers.

An independent study, commissioned by the Office of the Secretary of Defense, is the only independent study yet to be done for the F–22 multiyear contract. In that study, the Institute for Defense Analysis, or IDA, concluded that the proposed F–22A multiyear contract, first of all, meets all the criteria provided in the law and does, in fact, save the taxpayer a minimum of $235 million over the next 3 years.

The study was not completed in time for the Senate Armed Services Committee markup back in early May, which is why it was not included in the Senate bill at that time, or at least we didn't have an amendment at that time. However, the study was submitted to the Armed Services Committee on the 16th of May.

Since I have been on this committee, we have been talking about the need to conduct acquisitions better, cheaper, and more efficiently. This amendment does exactly that. We know we are going to buy 60 F–22s over the next 3 years. That is the current plan. The DOD budget provides for the funding, and I have heard no one in Congress question the need for the airplane. As a matter of fact, this airplane today is flying in rotation around the country and soon will be flying around the world as it is scheduled to go into rotation to Iraq shortly. As we are sitting here today, I suspect there is an F–22 flying over Washington, DC, protecting the skies over our Nation's Capital.

The only question is how are we going to buy these airplanes? Are we going to buy them with 3 1-year contracts and pay more money, or are we going to buy them with a 3-year multiyear contract and save a quarter of a billion dollars?

We need to have a high standard for what qualifies for a multiyear contract. As a matter of comparison, the F–414 engine for the F–18 saved 2.8 percent and $51 million. The multiyear contract for two previous F–16 multiyears saved $246 million and $262 million respectively.

By comparison, the proposed F–22A multiyear contract saves 2.6 percent and a minimum of $235 million.

The point is that the F–22 multiyear is in the same category in terms of percent savings and total savings of multiyear contracts that this body has previously approved.

Also, the per-plane savings on the F–22 multiyear will be identical to the per-plane savings on the F/A–18 multiyear, that being $3.8 million per plane. That is why the authors of the independent business case analysis at IDA judge this multiyear to have significant savings, and I agree with them.

Much has been made over the old criteria for multiyear savings, which was a minimum of 10 percent. But, frankly, that was changed early on in law and now, instead of 10 percent the statute does say, ''substantial savings.''

The 2005 QDR, which was provided to Congress in concert with the fiscal year 2007 budget request, restructures the F–22A program to extend production through the fiscal year 2010 with a multiyear acquisition contract to ensure the Department does not have a gap in fifth-generation Stealth capabilities. To obtain a more favorable cost, DOD's strategy requested authority for a 3-year multiyear procurement contract to buy 60 F–22s, 20 in each of the years 2007 through 2009. This strategy was outlined in a letter from Undersecretary of Defense Ken Krieg in a letter to the Senate Armed Services Committee on February 13, 2006.

Mr. President, I ask unanimous consent to print that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY AND LOGISTICS,

Washington, DC, February 13, 2006.

Hon. JOHN W. WARNER,

Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Consistent with the Conference Report on the Department of Defense Appropriations Act, 2006, Public Law, 109–148, the Department has studied alternatives for the continued acquisition of the F–22A aircraft beyond Fiscal Year (FY) 2008. This has culminated in the procurement strategy identified in the President's Budget for FY 2007 (PB07).

The Quadrennial Defense Review Joint Air Dominance study and budget deliberations addressed alternative procurement quantities, rates, and force structure mixes. The Department's PB07 plan provides for procurement of F–22A aircraft through FY 2010. To obtain a favorable cost, the strategy employs multiyear procurement of 20 aircraft each, in Lots 7, 8, and 9, beginning in FY 2008, providing a total force structure of 183 aircraft. FY 2007 funds will be used to contract for delivery of economic-order-quantity items, sub-assemblies and material required for Lot 7, advance procurement for Lot 8 aircraft, and for other allowable costs including, sustainment support, production engineering, laboratories and combined test force infrastructure. This strategy also procures titanium one-year earlier than normal advanced procurement to accommodate the long-lead now required to buy titanium. This plan substantially reduces the F–22A procurement funds required by the Department in FY 2007, allowing the Department to meet other high-priority requirements.

Continuing the F–22A procurement through FY 2010 retains fifth-generation tactical aircraft procurement options in the event of delays in the Joint Strike Fighter (JSF) program. These actions also benefit the JSF program by helping to reduce overhead rates and by retaining technical expertise across the tactical aircraft industrial base, including the prime contractor, subcontractors, and suppliers.

The Department is preparing the business case cost comparison of multiyear and successive annual procurements required by subsection 2306b(a)(1) of title 10, United States Code. We intend to make the business case available to the congressional defense committees by May 15, 2006, to support FY 2007 Congressional budget deliberations.

I appreciate the foresight of the Congress in directing the Department to study alternatives for the continued acquisition of the F–22A. I believe that we have developed a fiscally responsible strategy that will allow us to sustain this viable tactical aircraft production line.

Similar letters have been sent to the chairmen and ranking members of the other Congressional defense committees.

Sincerely,

KENNETH J. KRIEG.

Mr. CHAMBLISS. The business case for the F–22 is clear and was validated during the QDR by the Joint Army Dominance Study. This study included any number of options of tactical air mixes, including various combinations of F–22s, FA–18s, and joint strike fighter and other airborne weapons systems, so we are not proceeding with a random plan but one that has been validated by careful analysis.

The business plan was also validated by the IDA study, again the only independent organization that has looked at this multiyear plan.

There are six criteria for meeting a multiyear contract. The independent IDA business case analysis judges the F–22 program according to each of these six criteria. I mention this because there is a GAO study that came out, coincidentally, this week relative to the multiyear procurement of the F–22. It is critical of the multiyear contract.

The GAO study, though, contains, frankly, false factual information. For example, in the GAO study they talk about the cost of the airplane actually increasing under the multiyear contract. But what they fail to take into consideration is that originally, before the reprogramming to do 20 airplanes this year and 20 in the next budget and 20 in the next budget, the Air Force was going to ask for 29 planes in the next budget and 27 in the following budget.

If you build 29 versus 20, it is going to be cheaper. But that is the factual information that the GAO plugged into their numbers—29 instead of 20. That is why there is a higher price cost that the GAO came up with.

Second, the GAO report talks about the fact that under the Air Force proposal, there is not enough funding in the budget to pay for these airplanes. We are going to have to use what is called incremental funding.

That was talked about early on in the process but abandoned. Here we are in the end of June of this year. The reprogramming took place the end of last year and the early part of this year. The facts were known at that time. GAO ignored those facts.

Second, the incremental funding issue that was talked about early on was abandoned early in the year. GAO ignored that and included those false facts in its report. So the GAO study, frankly, is not correct because it is not based on the actual, as we say in the law—the facts in evidence.

There is one other issue relative to the GAO that I am going to conclude with and that is this. It gives a list of the factors that it took into consideration in doing its report. There is one glaring factual statement, one factual provision that is left out of consideration by the GAO. That is talking to pilots that fly this airplane.

I have talked to several of those guys. We had a red flag operation that was done several weeks ago by the Air Force. In talking to a couple of those pilots afterward, it was unbelievable what they had to say about flying the F–22.

One of them said this:

> In the United States Air Force, we don't look to win 51–49. We look to win 100-nothing, and that is what the Raptor gives us.

The Raptor is the follow-on for the F–15 and F–16. It is the fifth-generation fighter. It is going to allow us to continue air superiority and air dominance against any potential threat that might be forthcoming. I urge my colleagues to support the multiyear proposal that is included in the President's budget, that is included in the authorization bill that comes to the Senate from the House, that will go into conference. We will save the taxpayer a minimum of $225 million over the next 3 years. I reserve the remainder of my time.

Mr. DOMENICI. Will the Senator yield 5 minutes to the Senator from New Mexico?

Mr. CHAMBLISS. I will be happy to yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator MCCAIN, I understand he wants to speak in opposition to the amendment. I will not be long.

Mr. MCCAIN. No problem.

Mr. DOMENICI. Understand, we will each speak our piece here. It is not a pleasure to come and oppose my colleague. Nonetheless, I must say that it seems to me we are always talking in the Senate about trying to do things that are more efficient; trying to do good business, do things in a way they ought to be done. Here we have an opportunity to do that.

We have a situation where the new fighter, the world-class F–22—but I am not going to take the Senate's time praising its qualities. We have heard some of that from the distinguished Senator from Georgia. We could spend all afternoon talking about what a fantastic airplane it is. That is not the issue before us.

The issue before us is that the Defense Department needs a multiyear procurement authority to acquire these airplanes. The administration requested a multiyear procurement authority for the F–22s. The House Defense Authorization bill granted the request. It makes plain, good business sense that the Senate do the same—that we give the Department what it needs.

I also support this because, as indicated by the principal sponsor of the amendment, the distinguished senior Senator from Georgia, this authority will save money.

We are going to hear something to the contrary, but the contrary evidence is from reports that do not apply to the 20-per-year acquisition of the F–22. That is what we are trying to do. That is what the Defense Department's final studies were based upon—acquisition of 20 per year, for multiple years. A multiyear procurement of this nature would net a savings of between $225 million and $325 million.

It seems to this Senator that this is precisely what we ought to be doing. We ought to be doing more of this, not less. Is anybody doubting we are going to buy this many of these Raptors? I don't hear that talk. I thought I was going to hear it 6 or 8 months ago when we were talking about a number of systems, some of which are on hold, but this one is not.

Therefore, we ought to proceed and save millions of dollars that can be used for other needs. $300 million, for example, would pay for 4,200 National Guard troops in active duty for 1 year. That is a lot of money. This is a monster bill, and one might say what is the difference here? $225 million to $325 million in savings doesn't amount to much. I submit it is a pretty big amount.

There has been some talk this week about a new GAO report that is critical of this multiyear procurement. But this report rehashes old arguments and uses old data that is not relevant to the Department's data regarding the multiyear acquisition, which has been stated in detail by the senior Senator from Georgia.

Therefore, I submit that the airplane we are going to rely on—which without question the Quadrennial Defense Review says we must have—we ought to go ahead and procure on a multiyear basis today when we vote on this amendment.

I thank the Senator for yielding time. I believe he has a compelling argument, and I hope the Senate will follow his lead.

I yield the floor.

Mr. CHAMBLISS. Mr. President, I yield 2 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague from Georgia and my colleague from Arizona.

What is the bottom line here? Simply put, Senator CHAMBLISS has offered an amendment that is supported by the ministration that will enable the Air Force to buy 20 F–22s Raptors a year for the next 3 years. By entering into this multiple year contract, the independent Institute for Defense Analysis believes that the American taxpayer will save at least $225 million.

Why are we buying the F–22? Because it is a war-winner. This fighter, which is also a very capable bomber, is now operational with the 1st Fighter Wing. The Raptor is stealthier than the famous F–117 Nighthawk, which dropped the first bombs during the first gulf war. But unlike the Nighthawk, that must fly at night in order to survive in a combat environment, the F–22 brings stealth capability out of the night, enabling operations in high threat areas 24 hours a day 7 days a week.

I have been to the Air Force base where I have talked with the pilots and have seen this plane and have seen it fly. It is a marvel.

The Raptor is the world's most lethal and maneuverable fighter aircraft. This is accomplished in no small part by its supercruise engines. Supercruise engines do not need to go to after-burner in order to achieve supersonic flight. This provides the F–22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to after-burner to achieve supersonic speeds. This consumes a tremendous amount of fuel and greatly limits an aircraft's range.

Another legitimate question is why not just rely on the aircraft we have today? Over the past 30 years, the United States has been able to maintain air superiority in every conflict largely due to the F–15C. However, with the great advancements in technology over the past several years, the F–15 has struggled to keep pace. For example, the F–15 is not a stealth aircraft and its computer systems are based on obsolete technology. My colleagues should remember that the F–15 first flew in the early 1970s. During the ensuing years, nations have been consistently developing new aircraft and missile systems to defeat this fighter.

Obviously, we need the F–22 and we have identified a means to save money while we are buying it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I don't oppose the F–22 program. In fact, the Armed Services subcommittee provided and the Senate Armed Services Committee marked down an additional $1.4 billion for 20 F–22s.

The issue is not, frankly, whether we support the F–22. Rightly or wrongly, we all do—and every member of the committee does. The question is, Are we going to act responsibly? The question is, Are we going to authorize a multiyear procurement of an aircraft that has—and it is not unusual—experienced time after time dramatic delays and cost overruns? Are we ready to do that? Not according to the GAO, not according to the OMB, not according to the Congressional Research Service, and not according to every outside observer of this program.

Let me give a small example. The F–22 experienced an initial operational capability delay of 9 years 9 months; initial operational test and evaluation delayed 5 years 3 months; full rate production delay of 5 years 3 months; low rate initial production, 4 years 9 months; first delivery of operational aircraft delayed 4 years 7 months; first flight delayed 2 years; and completion of critical design review delayed 1 year 4 months. The record is not good. In fact, the record is terrible. In 1991, the estimated cost, according to the U.S. Air Force, for the aircraft was going to be $114 million—in then-year dollars; now, $354 million per copy.

This program—not atypically—has experienced significant delays and cost overruns, which, by the way, maybe we will get into at some point. Then they received incentive bonuses, even for violations of Nunn-McCurdy. We are not talking about the purchase of F–22s. What we are talking about is, are we going to violate the basic principles and the law which requires certain criteria to be met before multiyear acquisition of these aircraft? The report prepared by the Comptroller General of the United States clearly states that four of the six criteria set forth in the law have not been met by the Air Force. They have not been met. Yet here we are debating a measure that would effectively permit the Air Force to be held unaccountable, to end run a good Government provision in Federal law that is specifically designed to ensure accountability in our Government.

There have been two Nunn-McCurdy violations, according to the Comptroller General. Since its inception, this program has been subject to 2 Nunn-McCurdy violations and has been rebaselined 14 times just to avoid additional breaches. Fourteen times they have rebaselined the cost of this weapons system. We all know the game. They come and they say: This weapons system is going to cost X. They get it authorized, then we get it, and guess what happens. It ends up costing dramatically more money—in the case of this aircraft, from $114 million each to $354 million each, and it is still in a relatively embryonic stage.

The Air Force, I am sorry to say, has misrepresented several things, including the termination cost of the C–130J.

The Air Force—a September 28, 2005, Defense Contract Audit Agency report points out that Lockheed-Martin earned a profit of almost 27 percent—$643 million—on a $2.4 billion, 60-aircraft, multiprocurement for C–130 aircraft. The estimate on the actual multiyear procurement cost savings for the F–22—the Air Force acquisition officers misrepresented the F–22 program as a stably funded program. Last year, Congress authorized and appropriated enough money for 24 F–22 aircraft. The Air Force bought 22. We have been asking them: What happened to the other two airplanes? We still haven't gotten a response. How we buy the F–22 is not subject to unfettered discretion. If we choose to buy them under a multiyear contract, we must do so in compliance with the law. This amendment does not.

The Congressional Research Service points out the many ongoing technical problems with the F–22—avionics problems, airframe problems, engine problems. The F–119 engine fuel consumption has been unsatisfactory, and problems were experienced with the engine's core combustor, which did not demonstrate desired temperature levels. The F–22's cockpit canopy experienced ongoing challenges, including cracking and reliability. It goes on and on. Many of these things are associated with the development of a new weapons system.

By the way, I have never met a pilot who didn't like to fly a new weapons system, but the fact is that it is not ready for multiyear procurement. That was the subject of extensive hearings in the subcommittee and consideration in the full committee. I don't expect this body to rubberstamp everything the committee does, but I can tell you that extensive analysis and study was done on it.

I also point out that literally every outside group, including the IDA, had concerns about it, even though they alleged that there would be significant cost savings. But the fact is that even the IDA, which my friend from Georgia points out—this form of contracting bears significant risks. Multiyear procurement reduces Congressional budgetary flexibility, both for the instant program and across other programs within the Defense portfolio.

I urge my colleagues who consider supporting this amendment—and we know very well that there will be reductions in defense spending. It happens historically as wars wind down. Already on the House side, there has been a proposal for significant reductions in defense spending, which I do not support but apparently may be the final product for next year from the House Appropriations Committee.

We are going to lock in multiyear procurement for a weapons system that has experienced dramatic cost overruns. And I am not saying we shouldn't procure this aircraft. I am saying we should. I am not totally convinced that it would actually meet the challenges of the war on terrorism, but I strongly support it. But before we give them a blank check, I think we should regard what we are doing here—locking in, in a multiyear fashion, the procurement of a weapons system that has gone from $100-and-some million per copy to over $300 million per copy which still has very significant technical problems associated with it. I would caution and urge my colleagues to understand this in the larger context.

Finally, we have a responsibility of oversight in the committee and as a body. If we allow multiyear procurement, we basically give up those oversight responsibilities. And when we talk about a couple hundred million dollars, which is big money, and cost savings, look at the overruns, the billions in cost overruns they have already experienced, and we still haven't got a fully tested, completed, and operational product.

I understand the desire of my friend from Georgia to make sure this program is basically locked in, which is what this amendment will do. I don't think we are ready for it. Every outfit outside of the U.S. Air Force—and even the IDA, with a qualified endorsement—the Congressional Research Service, OMB, GAO, and all the others concur in that conclusion.

I hope we will reject this amendment, but I certainly understand and respect the position of my friend from Georgia.

Mr. WARNER. Mr. President, I find myself, as chairman, having to live up to my responsibilities. Not only do I have the highest regard for our colleague from Georgia, I have a high regard for this airplane. These airplanes are stationed in Virginia. I am supporting the position taken by Senator MCCAIN against the constituent interests in my own State because I feel ever so importantly the statements made by Senator MCCAIN—namely, that the oversight which our committee tries to provide should be respected in this Chamber. It is our collective judgment. The majority of the

Senators, having voted on this in various ways in our committee, believe that we should not go to this multiyear procurement at this time for reasons eloquently stated by the Senator from Arizona.

I regret deeply to be in opposition to one of our most valued Members, the Senator from Georgia, but let me point this out: You have to sometimes stand apart from constituent interests, State interests, and do what you believe is in the best interests of this country.

I say this with a sense of humility. I walked into the Pentagon in February of 1969 as then-Under Secretary of the Navy. The halls of the building were filled with the wreckage of a plane called TFX in which this country had invested billions of dollars to build and it was finally concluded that, for a number of reasons, the contract shouldn't go forward. Thereafter, in the positions as Under Secretary and Secretary of the Navy, I worked with the S–3, a new AFW airplane, bringing that along. I worked with the F–14. As a matter of fact, this distinguished aide of the Armed Services Committee was an F–14 pilot and has reminisced with me many times—thank you for putting two engines on that plane—because many a time he landed on a carrier with one engine.

The planes are complicated situations, and they are becoming more and more complicated each year, and it is the collective judgment of the members of the Senate Armed Services Committee that we should not abdicate our oversight and jump into this multiyear procurement.

I support the airplane. I am hopefully getting additional aircraft at my base in Virginia. I am proud of that. But I am going to support what I think is a proper management decision. To support the Chambliss amendment would be, frankly, a violation of statute on the books, the law of the land. Subsection A(1) through subsection 6 of section 2306(b) of title 10, United States Code, establishes the conditions for entering into a multiyear procurement contract. The statute requires the use of such a contract resulting in a substantial savings. This multiyear procurement proposal under this amendment would not provide substantial savings—some savings but not substantial. The statute also requires that the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic.

Just listen to what Senator MCCAIN said. The estimates are not realistic. The Air Force had budgeted for 24 F–22A aircraft in fiscal year 2006 but will only be able to buy 22 or 23 aircraft with the available funds.

Mr. President, the statute also requires that there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation. There is no reasonable expectation that the level of funding required to avoid contract cancellation will be met. The multiyear justification package sent to Congress on May 16, 2006 presented a program that was underfunded by $674 million.

By statute, I say to colleagues, this amendment cannot be supported. By statute, by the majority of the members of the Committee of the Armed Services having examined it carefully, through subcommittee and full committee review, it cannot be supported. I say most respectfully to the Senator from Georgia, we are facing here a rather interesting chapter of a very significant and important defense contractor trying to get through this body a decision which is in violation of statute and overrides the judgment of the majority of the members of the Armed Services Committee. I urge Senators not to support this amendment.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I yield 3 minutes to my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank my distinguished colleague, the senior Senator from Georgia, SAXBY CHAMBLISS, for offering this amendment. I have the greatest regard for the committee and subcommittee chairmen. Senators WARNER and MCCAIN are outstanding Members of this body. I beg to differ with them, and I want to focus my debate on two critical areas.

One is Senator CHAMBLISS presents as a selling point of this amendment that $235 million in savings that a multiyear contract brings would not happen if you were doing annual contracts. The distinguished Senator from Arizona acknowledged, did not argue that that number was not correct. The distinguished Senator from Virginia also did not argue that number wasn't correct but made the following statement, that that is not a substantial savings. That is at best a subjective judgment, but I would call $235 million substantial any time.

Secondly, I would like to quote from a letter—and I ask unanimous consent to have this letter printed in the RECORD—dated June 8 from James Finley, Deputy Under Secretary of Defense, to the GAO.

Over the past several procurement lots, the Air Force has been very successfully working with the prime contractor to drive down cost. Unit flyaway costs have come down 35 percent between Lot 1 and Lot 5. If stopped, production re-start would be very costly and difficult to resume, breaking this positive trend.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPUTY UNDER SECRETARY OF DEFENSE,
Washington, DC, June 8, 2006.

Mr. DAVID M. WALKER,
Comptroller General of the United States, U.S. Government Accountability Office, Washington, DC.

DEAR MR. WALKER: This is the Department of Defense (DoD) response to the GAO draft report, ''Tactical Aircraft: DOD Should Present a New F–22 Business Case Before Making Further Investments,'' dated May 8, 2006 (GAO Code 120474/GAO–06–455R).

The Department does not agree with draft GAO report's recommendation to delay further investment in the F–22. While the Department agrees with the GAO's emphasis on the importance of supporting our procurement decisions with appropriate ''Business Case'' analysis, we have performed such analysis to support F–22 and tactical aircraft force structure decisions, and will continue to do so. Additional information and rationale for the Department's position is summarized below.

Implementing the GAO's recommendation to delay investment in the F–22 would disrupt production and create program instability. This instability would be detrimental to our nation's defense capabilities and our tactical aircraft industrial base. Over the past several procurement lots, the Air Force has been very successfully working with the prime contractor to drive down costs. Unit flyaway costs have come down 35% between Lot 1 and Lot 5. If stopped, production restart would be very costly and difficult to resume, breaking this positive trend. Likewise, there is considerable modernization work ongoing. To stop this work would result in large termination costs and would be very costly to resume. Multiple GAO reports have noted the negative impact that program instability has on program cost, schedule, and performance.

The assumptions on which the GAO's recommendations are based were not understood. The quantity and mix of tactical aircraft to be procured by the Department has been and remains an area of significant ''Business Case'' analysis. As the geopolitical and fiscal environment changes, we continually reassess national security requirements and adjust our force structure as needed. Keeping the F–22 production line active, preserves the Department's options and sustains the industrial base for efficient transition to Joint Strike fighter production.

To support the Quadrennial Defense Review and preparation of the President's Fiscal Year 2007 Budget (PB07), the Department performed a Joint Air Dominance (JAD) Study. The JAD Study examined options for varying levels within the strike fighter mix. The Department looked at the war scenarios and cost implications of buying fewer variants of Joint Strike Fighters, increasing and decreasing the number of F–22s, and buying more legacy aircraft at the expense of fewer fifth generation platforms. The results of these analyses are reflected in PB07, which sets forth a balanced portfolio of tactical aircraft assets, including Joint Strike Fighter, F–22 and F/A–18E/F. The draft GAO report makes note of, ''the large disparity between what the Air Force wants for the F–22A program and what OSD has committed to fund, there is a significant break in the business case to justify buying more F–22As.'' The 381 aircraft the Air Force analysis indicates are required is a fiscally unconstrained projection of Service needs. The QDR analysis reflects fiscal realities and the need to address competing defense priorities. The JAD analysis showed that a balanced force structure mix of fifth generation fighters, with legacy F/A–18E/Fs, F–15Es and conventionally armed bombers, best met our requirements. Buying fifth generation tactical

aircraft assets (F–22 and JSF), for both the Air Force and the Department of the Navy, optimized capability, affordability, and mitigated risk better than other options.

A detailed response is attached.

Thank you for the opportunity to respond to this draft report.

JAMES I. FINLEY.

Mr. ISAKSON. Mr. President, I was in business—didn't build airplanes but built houses—and I know a little bit about R&D development costs, but I know what the Raptor does.

Many of the things that were referred to as difficulties were predictable experiences in the development of a weapons system. The Raptor is the finest airplane ever built by any government anywhere any time, and the pilots who fly it attest this meets and exceeds every specification.

For me as a Senator, the other specification I want to meet is saving the taxpayers of the United States of America money; $235 million is a substantial savings. The Senator from Georgia, Mr. CHAMBLISS, is right. This amendment establishes a 3-year multiyear contract for the F–22 is right, and I urge my colleagues to support it in the Chamber.

I yield back the time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I yield 3 minutes to the Senator from South Dakota, Mr. THUNE.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, the Chambliss amendment will remove the prohibition on multiyear contract authority for the purchase of the F–22A aircraft and in so doing give the DOD the flexibility it needs to purchase 60 F–22A aircraft over a 3-year period in installments of 20.

The multiyear contract will save the Government, as has been noted by Senator ISAKSON, over $200 million over the 3-year period and allow for a rational and steady flow of F–22s.

Mr. President, I also want to note one thing about the GAO study that has been referenced here today and the funding for the F–22A. The statement is made in the GAO study that the funding for the F–22 could be better spent on fighting the war on terror. The problem with that is it assumes that America faces threats from only irregular forces or subnational groups.

North Korea's threat to launch a multistage missile that can hit Hawaii, Iranian nuclear ambitions, and the expansion and modernization of the Chinese military are patent examples of substantial threats from independent nation states.

The air superiority gap America once enjoyed has dramatically closed. The F–15, F–16, or F–18 are no longer without competition on the world stage. Since the late 1970s, for example, the Russian Air Force has been continually improving its air fleet. Planes like the MiG–29, Su-27, Su-35, and the addition of the Su-37 super-flanker have evened the playing field. The Chinese are now making their own version of the Su-27 under the designation J–11. Both Russia and China are eyeing foreign buyers for these formidable aircraft.

Further technology and modern air defenses have grown significantly, and Legacy aircraft are vulnerable to increased anti-aircraft threats and technology.

Congressional inaction on this matter is creating a situation where American pilots will be flying aging Legacy aircraft against comparable enemy aircraft.

DOD states that the F–22As as fifth-generation fighters is needed to neutralize advanced air defenses, thus opening the door for follow-on joint forces to include nonstealthy Legacy aircraft and long-range strike capabilities.

We need the F–22. The QDR supports this notion. The QDR focuses on the ability to quickly and effectively penetrate enemy airspace and exploit stealth and electronic warfare capabilities. The F–22A excels at all these missions and helps America take a step ahead against emerging technologies and threats we face.

Mr. President, I urge my colleagues to support the Chambliss amendment and allow the Air Force to move forward in a way that will enable us to save the taxpayers money and to meet the needs that we face for this country as we go forward.

I yield back the remainder of my time.

Mr. CHAMBLISS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. CHAMBLISS. I yield such time as he may consume to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator from Georgia. I think this is a very serious thing we are getting into. I have five very important points I plan to make to respond to statements that have been made in the Chamber here. One is I think the Chairman is right when he talks about the information wasn't there, wasn't adequately discussed during the markup. One of the reasons for that is the IDA study didn't even come out until May 15, and because of that, that was not a part of the conversation.

Let me say one thing about the GAO study. I agree with the Senator from South Dakota. I am always leery of a new study that comes out the same day that an amendment is discussed and brought up in the Chamber, and that happened to be 3 days ago. I think it is quite a coincidence it came out at the same time. Having looked at the IDA study, we are on solid ground for pursuing this multiyear effort.

Let me respond to our good friend, the Senator from Arizona, on the cost overruns and the delays. I cannot remember—I have been on this Armed Services Committee for 12 years and in the House for 8 years—one system that did not go through this same thing. In the Navy alone, they had many cost overruns. The joint strike fighter, now recognized as something we desperately need and are using, probably had more cost overruns. We had the Black Hawk upgrades, the same thing there.

But the thing I remember the most is the C–17s because I was in the House at that time. It was delay after delay after delay, and stop and think, if we had at that point junked that, where would we be? Where would we have gone in Bosnia, Kosovo? Things were anticipated where we would desperately need it.

Right now we need to increase the number of planes. That I think we all know. And then we know what is happening to the C–130–R program. This is something that has been happening for a long period of time.

The third thing I want to mention is the savings. I know one of the six criteria is called substantial savings. I don't know if there is anyone who is going to be looking at this budget and accepting the fact that a quarter of a billion dollars is not substantial. But there seems to be some doubt by Senators as to whether or not these savings would actually be achieved. And if you really ask questions about it, if we really had to do this, I say to my friend from Georgia, we could write that in and say at any point when it looks like we cannot anticipate these savings, we would go back to the other type of procurement. That could be done.

Quite frankly, I think the Air Force would be willing to do that. And the figure of $225 million they and others believe and I believe is a conservative figure. So I think that would be one way to offset it.

When you look at title 10 criteria, substantial savings, we have talked about that; stability, we have talked about that, stability of funding, stability of design, we all know these things and where we are with the program.

And so I have come to the conclusion after looking at this that it does qualify for all of these criteria, but there is one thing that has not been said, quite frankly, in the right wing over here, and that is, during the 1990s I can remember standing on this floor and saying we are going to have to do something about what is happening to the modernization program because it is not just the aircraft and artillery pieces, the most modern thing we have for the artillery is the Palladin, which is World War II technology, where you have to get out and swab the breach after each shot. There are five countries, including South Africa, making a better artillery piece than we are sending out with our kids.

Then we look at the F–15 and F–16, great vehicles. We understand that. But one of the proudest moments I have had was in 1998 when we were cutting a lot of the Defense budget at that

time. We had two-star general John Jumper, who stood up and said publicly: Now we are sending our kids out with equipment that is not as good as the Russians are making. At that time, they had the Su-27; the Su-30 was not actually deployed yet, now the Su-35. And we know in one purchase—I say to my friend from South Dakota because he mentioned other countries that are buying these things—in one purchase, the Chinese purchased 230 of these vehicles. We think they are Su-30s, but we don't know.

Consequently, if you assess the judgment as someone I think we will have to accept, and that is General John Jumpers, their Su series in many ways is better than our best strike vehicles, the F–15 and F–16. That has to concern Americans.

So I think if that were the only reason to keep this on schedule, and go to a multiyear program where we enjoy the savings, that would be reason enough. As long as I am here, I am going to try to put America in a position where we have the very best of equipment with which we send our kids to battle. That is not the case today. So I strongly support the amendment and believe we should get on with it.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may use.

I think we ought to try to go back to what this amendment is about. This amendment is not to cure any delay. The fact is, we have in this authorization 20 F–22s, with $1.4 billion over what was in the budget—20 of them. And then, next year, I would imagine we will authorize another 20; and the year after that, another 20. This is not about any delay. This is about congressional oversight. This is whether we should go to multiyear funding and lock us into a weapons system which has not been proven yet.

I say to my friend from Georgia, no matter how this amendment comes out because of the differences of opinion we have within the committee, in July I would like to schedule a hearing, and we will get all the players over again. Whether this amendment goes up or down, in July we will schedule a hearing in the subcommittee and have another look at the pluses and minuses. The Senator from Oklahoma mentioned that several studies have come in. The IDAs came in on the 20th. The GAO one came in yesterday or the day before.

So I will be glad—no matter how the vote ends up—to have another hearing on this issue because we are talking about, obviously, really large sums of money. So this Senator does not want to delay the procurement of the F–22. But I certainly want to maintain our ability to oversight the program rather than locking us in. So it is not about whether we delay or not.

Finally, on the issue of saving $225 million: from what? Because the Air Force, on May 16, 2006, stated that an additional $674 million is needed to fully fund the multiyear program being proposed. So is that savings of $225 million out of the $674 million of additional costs or does it mean there really isn't an additional $674 million, that they sent over, that they need? So that has to be sorted out as well.

So again, I restate to my colleagues that literally every outside organization—CRS, CBO, GAO—all of them believe not that this weapons system needs to be canceled, not that it needs to be delayed, but we do not need to embark on a multiyear lock-in acquisition of this weapons system, which no doubt has very great value.

I hope my colleagues will agree with the distinguished chairman and me that this amendment should be rejected at this time.

Mr. President, does the Senator from Michigan wish to speak on this?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I will be opposing the Chambliss amendment, although I am both a supporter of the F–22 and a supporter, generally, of multiyear contracts. Where they meet the criteria for multiyear contracts, I am very supportive of them because of, mainly, the money that can be saved.

I oppose this amendment with some reluctance. Again, I very much support, and have supported, the airplane. And I, in general, like the multiyear approach, where it meets the criteria. But some of the criteria have not been adequately met; for instance, whether the multiyear contract would result in substantial savings compared to using annual contracts. The studies are that the savings would be, I would say, very modest and not substantial. There are some savings, but I could not say they are substantial savings.

Another criteria is whether the contract is for a number which is expected to remain substantially unchanged during the contemplated contract period in terms of both numbers, production rate, procurement rate, and, again, total quantities. The F–22 total program quantities are likely to increase before the end of production.

There is also a requirement that there be a stable design for the property to be acquired and that the technical risks associated with the purchase are not excessive. There are some unresolved operational test deficiencies, and there are what I think can fairly be called major modifications that are planned for providing more robust air-to-ground capability.

There is also a question as to whether the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic. Cost estimates are still problematic. The 2006 contract itself, we understand, has still not been signed. So it does not meet that criteria either.

I would hope that, perhaps next year, a multiyear would indeed meet the criteria so we could utilize a multiyear approach next year. But I do not believe this year it does meet the criteria for a multiyear contract. I, therefore, will be opposing the Chambliss amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I respond to the distinguished Senator from Michigan that all of this which he raised has been addressed in the IDA report and has been answered. The criteria set forth in the statute has been validated and verified. I don't know of any technical problems with the airplane today because, as I said earlier, we have 32 at Langley currently. We have other airplanes stationed at a couple of other bases around. They are flying over us as we speak, protecting our Nation's Capitol. They are in rotation to go to Iraq. If there were any deficiencies, obviously, we would not have those airplanes put in that rotation, engaging in what may be combat.

I will close by finally saying there has been a lot of conversation about the way the cost of this airplane has increased. I think the mission of the airplane actually has changed over the 19 years since this airplane was first authorized. It was initially an air-to-air airplane. Air-to-ground was added to it, which caused delays. What the Senator from Arizona alluded to, relative to issues of the airplane is exactly correct. But all of those have been addressed. And the cost, the flyaway costs of this airplane for the last three lots have decreased by 16 percent, 11 percent, and 14 percent respectively.

So it is an expensive airplane. There is no question about that. But the capability of the airplane is also not questioned. It is a good deal for the taxpayers. It is a good deal for the folks who are going to be called on to fly this airplane in defense of this country. I encourage my colleagues to support the amendment.

Mr. HATCH. Mr. President, today I rise as an ardent supporter of the F–22A Raptor. I am very pleased that the Armed Services Committee has modified the Department of Defense's budget request and authorized the procurement of 20 F–22s during the next fiscal year.

That being said, I must express my disappointment that the committee did not include in this legislation language authorizing the Secretary of the Air Force to enter into a multiyear procurement contract to purchase 20 Raptors a year for the next 3 years. Under such a contract, the Institute for Defense Analyses estimates that we will save the taxpayer at least $225 million. Therefore, I am proud to join Senator CHAMBLISS and cosponsor this important amendment along with Senators INHOFE, LIEBERMAN, BINGAMAN, CORNYN, THUNE, BENNETT, ISAKSON, DOMENICI, BAUCUS, DODD, HUTCHISON, COLLINS, BEN NELSON, FEINSTEIN and

STEVENS. Our amendment only strengthens the procurement plan for this vital aircraft.

I am also troubled that this bill does not increase above the 183 currently planned the number of F–22s that the Air Force is authorized to procure. My trepidation that our Nation will not build a sufficient number of aircraft is based on careful study of our Nation's needs and on the advice and counsel of senior Air Force officers who have been unanimous in their expert opinion that if the Air Force is to meet its responsibilities under the National Military Strategy, the Nation requires 381 Raptors.

I have seen first-hand the capabilities of this extraordinary aircraft, first at Tyndall Air Force Base, FL, where our pilots are learning to fly the Raptor, and second at Langley Air Force, VA, where the first operational F–22s are based. As a result of these meetings with pilots and ground personnel and several other briefings on our future preparations, I have come to the conclusion that purchasing sufficient numbers of Raptors is absolutely vital to our national security.

Over the past 30 years, the United States has been able to maintain air superiority in every conflict largely due to the F–15C. However, with the great advancements in technology over the past several years, the F–15 has struggled to keep pace. For example, the F–15 is not a stealth aircraft and its computer systems are based on obsolete technology. My colleagues should remember that the F–15 first flew in the early 1970s. During the ensuing years, nations have been consistently developing new aircraft and missile systems to defeat this fighter.

Realizing that the F–15 would need a replacement, the Air Force developed the F–22. The F–22's combination of stealth, supersonic cruise, advanced maneuverability, and sensor-fused avionics makes this aircraft a powerful deterrent to countries contemplating a challenge to U.S. interests, and defines the essence of a true fifth generation fighter.

So far during the current exercise Northern Edge in Alaska, the F–22A has achieved a kill ratio of 144:0. Not one F–22 has been simulated ''shot down'' while 14 legacy F–15s and F–18s in the exercise have been simulated ''shot down.'' One-hundred-and-forty-four to zero, that is the way American forces should go to war.

The F–22 has the greatest stealth capabilities of any aircraft currently flying or under design. This is a powerful attribute when one remembers that it was the F–117 Nighthawk's stealth characteristics that enabled that aircraft to penetrate the integrated air defenses of Baghdad during the first night of the 1991 gulf war. The F–22 brings stealth capability out of the night, enabling operations in high threat areas at the place and time chosen by combatant commanders, 24 hours a day seven days a week.

The Raptor is also equipped with supercruise engines. These engines do not need to go to after-burner in order to achieve supersonic flight. This provides the F–22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to afterburner to achieve supersonic speeds. This consumes a tremendous amount of fuel and greatly limits an aircraft's range.

The F–22 is also the most maneuverable fighter flying today. This is of particular importance when encountering newer Russian-made aircraft and surface-to-air missile systems, both of which boast advanced, highly impressive capabilities against our legacy F–15, F–18, and F–16 aircraft.

Yet, a further advantage resides in the F–22's radar and avionics. When entering hostile airspace, the sensor-fused avionics of the F–22 can detect and engage enemy aircraft and surface threats far before an enemy can hope to engage the F–22. At the same time its advanced sensors enable the F–22 to be a forward surveillance platform gathering crucial intelligence on the enemy.

However, one of the most important capabilities of the Raptor is often the most misunderstood. Many critics of the program state that, since much of the design work for this aircraft was performed during the Cold War, it does not meet the requirements of the future.

I believe this criticism is misplaced. The F–22 is more than just a fighter—it is also a bomber. In its existing configuration it is able to carry two 1,000 pound GPS-guided JDAM bombs and will undergo an upgrade to carry eight small diameter bombs in the near future. In 2008, the F–22's radar system will be enhanced with advanced air-to-ground modes, enabling the Raptor to hunt independently and destroy targets on the ground.

All of these capabilities are necessary to fight what is quickly emerging as the threat of the future—the anti-access integrated air defense system. Integrated air defenses include both surface-to-air missiles and fighters deployed in such a fashion as to leverage the strengths of both systems. Such a system could pose a very real possibility of denying U.S. aircraft access to strategically important regions during future conflicts.

It should also be noted that—for a comparably cheap price—an adversary can purchase the Russian SA–20, surface-to-air missile. This system has an effective range of approximately 120 nautical miles and can engage targets at greater then 100,000 feet, much higher than the service ceiling of any existing American fighter or bomber. Surface-to-air missiles, with similar capabilities, have been sold to Iran. The Russians have also developed a family of highly maneuverable fighters, the SU–30 and 35s, which have been sold to such nations as China. Of further import, 59 other nations have fourth generation fighters.

It has also been widely reported in the aviation media that the F–15C, our current air superiority fighter, is not as maneuverable as newer Russian aircraft, especially the SU–35. However, the F–22 is designed to defeat an integrated air defense system. By utilizing its stealth capability, the F–22 can penetrate an enemy's airspace undetected and, when modified, independently hunt for mobile surface to air missile systems. Once detected, the F–22 would then be able to drop bombs on those targets. Some correctly state that the B–2 bomber and the F–117 could handle these assignments during night only operations. However, the F–22 offers the additional capability of being able to engage an enemy's air superiority fighters, such as the widely proficient SU–35. Therefore, the Raptor will be able to defeat, almost simultaneously, two very different threats, 24 hours a day, that until now have been handled by two different types of aircraft.

I should like to point out that these potential threats are not just future concerns, but they are here today. For example, over the last 2 years, the Air Force has conducted exercises with the Indian Air Force as part of our effort to strengthen relations with that nation. The Indian Air Force has a number of SU–30 MKKs, an aircraft which is very similar to a version of aircraft sold in large quantities to the People's Republic of China. During these exercises, it has been widely reported in the aviation and defense media that the Indian Air Force's SU–30s won a number of engagements when training against our Air Force's F–15s.

So let me be clear on this point: a developing nation's air force was able to defeat the F–15. This was a stunning event and one that requires our immediate attention.

Now that this fact has been established, the question that we must ask ourselves is: How do we remedy this national security concern? The F–22 provides the answer.

Though the F–22 may be the solution to these problems, if the Nation does not purchase a sufficient number of these aircraft our service members could face unnecessary dangers and risks. Many others and I have come to this conclusion after closely listening to our service members when they have outlined their equipment requirements based upon the national security goals our Government has outlined. What is their professional opinion? That if the Air Force is to succeed in the tasks outlined in our National Defense Strategy, our airmen and women require 381 F–22s, far more then the 184 aircraft currently planned.

However, another important consideration is cost. In a period of runaway procurement costs, we are not only concerned about the effort to procure the correct number of F–22s but to procure them at a reasonable price. That

is exactly what this amendment achieves. It authorizes a multiyear procurement plan for the Raptor, in which 20 aircraft a year over 3 years will be purchased. This will result in the taxpayer saving approximately $225 million under the existing plan to purchase 184 aircraft.

Introducing innovative plans to save funds is nothing new to the F–22 program. In fact, since production first began on this aircraft, the ''fly-away'' cost has been reduced by 35 percent. However, we must take advantage of any opportunity that will result in additional savings while increasing our military capabilities. A multiyear F–22 procurement plan achieves that goal.

If this amendment is adopted, the Air Force will be permitted to enter into a multiyear procurement contract. However, some of our colleagues argue that the F–22 does not meet the six-point requirements for multiyear procurement under existing law. I, on the other hand, believe these criteria have been met and the amendment before us should be seen as reinforcing that fact.

Specifically, the first requirement to authorize a multiyear contract under the existing statute is the determination that substantial savings will result from the contract. The Institute for Defense Analysis estimates that a multiyear contract will result in at least $225 million in savings.

The second criterion states there must be a ''minimum need'' for the aircraft. I believe that my address today has shown the urgent need to deploy the Raptor in order to counter the deployment of fourth generation fighters and new antiaccess systems.

As far as a minimum need is concerned, as a result of the Joint Air Dominance Study the Secretary of Defense stated that a minimum requirement for 183 Raptors existed. Under the administration's proposal, which this amendment is based upon, the production rate, procurement rate and the total quantities of the Raptor purchased will be substantially unchanged during the contract period. Remember, the contract calls for the purchase of 20 Raptors a year over the next 3 years.

The third requirement insists that the Raptor be a program with stable funding. The Armed Services Committee has added additional funds for this year and the Department of Defense's future budgets will also contain funding requests since the purchase of F–22s under a multiyear procurement contract was called for in the Quadrennial Defense Review.

Fourth, the aircraft's design must be stable. This is probably the most controversial requirement. Yes, the F–22 has had its problems during the development and production process, but I challenge anyone to identify another strike aircraft that hasn't. Remember, the F–22 is now operational. That means the Raptor will deploy in support of our service members and it has satisfactorily completed the engineering and manufacturing development phase as well as its follow-on operational test and evaluation.

It is important to note that any upgrades to the Raptor will not result in significant structural changes. Some might argue, correctly, that a potential problem with the forward boom frame heat-treating has been identified on up to 91 aircraft. It is important to note that this was not an aircraft design problem, but an issue of a manufacturer not following the prescribed manufacturing process. In reality, testing has so far shown that 92 percent of the suspect frames tested did in fact undergo an adequate manufacturing process. I have been advised that neither a redesign nor a refit are planned or expected. Regardless, the manufacturer has been replaced and all aircraft procured under a multiyear agreement will not have this problem.

Fifth, a program must show that its cost estimates are realistic. The Air Force has gone above and beyond the call of duty in providing the Congress with independent cost analysis. The Institute for Defense Analysis provided an Independent Cost Estimate in 2005 and with a multiyear procurement business case analysis in May of this year.

Finally, the last requirement of a multiyear procurement plan is the determination that the program is important to the national security of the United States. I believe that we have already established conclusively that the Raptor is the answer to the present and future threats posed by antiaccess systems.

Therefore, I believe that the Raptor qualifies for a multiyear procurement contract under the existing statute. However, to ensure there is no doubt on this subject, I strongly recommend this amendment to my colleagues.

Our Nation stands at a crossroads.

In a wide variety of policy arenas, the Senate is being asked to make investments that will reap rewards for our children and our grandchildren.

The F–22 is one of these investments. It will guarantee America's dominance of the skies for the next half century. All that is required is that we make a commitment now to ensure that future. By purchasing adequate numbers of F–22 Raptors we are meeting the threats of today and tomorrow and we are doing so in such a way as to maximize the savings of the American taxpayer.

I thank Senator CHAMBLISS for offering this important amendment, and I urge my colleagues to join my fellow cosponsors, Senators INHOFE, LIEBERMAN, BINGAMAN, CORNYN, THUNE, BENNETT, ISAKSON, DOMENICI, BAUCUS, DODD, HUTCHISON, COLLINS, BEN NELSON, FEINSTEIN and STEVENS in supporting this amendment.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the amendment to authorize a multiyear procurement for the F–22 fighter—amendment No. 4261 I am proud to cosponsor. I thank my friend and colleague, the Senator from Georgia, Mr. CHAMBLISS, for his leadership in offering this amendment. I believe he has very ably and comprehensively argued the case for this multiyear and has persuasively rebutted the personal arguments against taking this action. But I want to add some thoughts about why I think this is a prudent act by this body.

The F–22 has had developmental problems and it has had cost increases. But all this is old news. There are few, if any, programs that have had more oversight by the Senate Armed Services Committee than this program. We have examined it in great detail in hearings each year from concept to procurement. We have examined the technology, the acquisition plan, the development process, and the production issue. And we have examined the costs in substantial detail. In some years we have put on cost caps to force spending discipline, and in other years we have slowed down production to align the request with the reality of the backlog. But despite the challenges of building the world's most capable fighter, we have decided, and the full Senate has decided, that this is a critical program that should and must continue. And the U.S. Air Force has argued it needs the F–22 to continue.

There is a very compelling reason for this decision. Air dominance is absolutely essential to American military dominance and American security in the 21st century. Our military has had that dominance since World War II. If we were ever to lose it, or even allow it to be seriously challenged, the global strategic environment would fundamentally change for the United States. The F–22 is the way we prevent that from happening for the next generation maybe more. Much has been said about the cutting-edge technologies that are included in this airplane that will ensure we maintain that air dominance. I need not repeat that now. But it is the reason that we have voted to continue procuring the F–22 and it is reason that we will continue to do so.

I believe the problems with the F–22 that some of my colleagues have reminded us about have been substantially solved. The F–22 business case was validated by DOD during the QDR and the Air Dominance Study. The long debate over the number we will procure is about over. I am convinced that it will not be lower than the 183 validated by the QDR. In fact if there are now to be changes in that number, it will be increased, not decreased. So I believe that we will build the additional 60 contemplated in this amendment. The decision to procure these 60 over 3 years instead of 2 years is sound. We should not have a break in the production line before we begin building the F–35 the JSF. Those 60 aircraft can be built for about $250 million less with the multiyear buy provided for by this amendment.

The Senate Armed Services Committee, and the Airland Subcommittee,

has spent much time focusing on our acquisition system because we are concerned that the weapons we are buying are taking too long to field and are costing too much. We believe the American people should not pay more than they have to. But we also believe our Armed Forces should get the weapons they need to defend our security. SACS have concluded we need this fighter. We recommended full funding this year for 20. I believe we will do that next year and the year after that until we have procured 183 F–22 fighters. Authorizing a multiyear will cost the American people $250 million less than if we authorize these fighters year by year. That is good acquisition policy. Our Armed Force needs this fighter, and we should not pay $250 million more to get it than we have to. That is why I urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, I yield back the remainder of my time.

Mr. CHAMBLISS. Mr. President, I yield back the remainder of my time.

Mr. LEVIN. Mr. President, if the Senator from Arizona will yield 1 minute?

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. LEVIN. Mr. President, I want to put in the RECORD a chart from the Institute for Defense Analysis. It compares savings on various programs, showing savings with the F/A–18, multiyear, from 7 to 11 percent; the C–17 airplane, of 10 percent; the C–130J, multiyear, of 10 percent; and the comparison to the F–22, which they estimate at 2.6 percent. I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 4.—CHARACTERISTICS OF OTHER RELEVANT MYP PROGRAMS

Program	Savings (%)	Savings (TY$M)	Prior lots/ units	Period of perform- ance (years)	Procure- ment timeframe	Quantity procured	Amount of CRI funding ($M)	Amount of EOQ funding ($M)	FAR	TINA waiver
F/A–18E/F Air Vehicle (MYP–1)	7.4	$850	3/62	5	FY00–04	222	$200	$85	15	No
F414 Engine (MYP–1)	2.8	51	5/682	5	FY02–06	454	0	0	15	No
F/A–18E/F/G Air Vehicle (MYP–2)	10.95	1,052	8/284	5	FY05–09	210	100	0	15	Yes
C–17A Airframe (MYP–1)	5.0	760	8/40	7	FY97–03	80	350	300	15	No
C–17A Engine (F117–PW–100)	6.0	122	4/160	7	FY97–03	320	0	0	12	No
C–17A Airframe (MYP–1)	10.8	1,211	14/112	5	FY03–07	60	0	645	12	Yes
C–17A Engine (F117–PW–100)	5.7	92	14/448	5	FY03–07	267	0	0	12	No
C–130J/KC–130J	10.9	513	9/37	6	FY03–08	62	0	140	12	No
C–130J (Air Force)	10.9	340	.....	6	FY03–08	42	0	unknown	12	No
KC–130J (Marine Corps)	13.1	173	.....	6	FY03–08	20	0	unknown	12	No
F–16A/B/C/D Air Vehicle (MYP–1)	7.7	246	4/605	4	FY82–85	450	unknown	unknown	15	No
F–16C/D Air Vehicle (MYP–2)	10.1	467	8/1139	4	FY86–89	720	unknown	unknown	15	No
F–16C/D Air Vehicle (MYP–3)	5.7	262	12/1859	4	FY90–93	630	unknown	unknown	15	No
Average	8.00	469	.....	5.25	N/A	292	N/A	N/A		
F–122A Air Vehicle	2.6	203	8[a]122	3	FY07–09	60	0	255	15	No
F–122A Engine (F119–PW–100)	2.7	32	8[b]244	3	FY07–09	120	0	45	15	No

[a] Include Production Representative Test Vehicle (PRTV) lot and units.
[b] Include PRTV lot and units and Replacement Test Aircraft (RTA); installed engines only.

Mr. LEVIN. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. CHAMBLISS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. DAYTON. Thank you, Mr. President.

AMENDMENT NO. 4241

Mr. President, I am a proud cosponsor of Senator MCCAIN's proposal to name this legislation after the great chairman of the Senate Armed Services Committee, Senator WARNER.

I have had the privilege during my term in the Senate to serve on the Armed Services Committee under two tremendous chairmen, outstanding Senators, and terrific human beings—JOHN WARNER and CARL LEVIN.

Our Senate, our military, and our country have been fortunate to have their extraordinary leadership during these critical years.

Chairman WARNER, for whom this legislation would be named, is more than deserving of that honor. He is greatly respected by our committee members on both sides of the aisle and, indeed, by the entire Senate. He has been unfailingly fair to all points of view, while leading us with a firm hand and resolute gaze, that he learned during his own military service and as Secretary of the Navy.

When he picks up his committee gavel, all of us—members, staff, military officers, and other interested parties—all know we have a leader well prepared in all respects for that enormous responsibility.

Our Senate and our Nation are indebted to Senator WARNER and to Senator LEVIN for their superb public service.

Mr. President, I have listened to many of my colleagues express their views on Iraq during the past week and have waited for this opportunity to express my own.

My colleagues reflect sincere differences and I believe sincere desires to uphold the best interests of our great country in a very difficult and complicated situation. We are all patriotic Americans first and foremost and partisan politicians later.

I voted against the Iraq war resolution in October 2002, despite being presented with incorrect and misleading information by very high officials in the Bush administration, which purported to prove that Saddam Hussein was developing nuclear weapons. I questioned the veracity of that information. And I had grave concerns that an unwarranted invasion of Iraq, if no weapons of mass destruction were found, would ultimately weaken, not strengthen, the national security of the United States by seriously damaging our standing and our alliances throughout the world.

I also voted against the Iraq war resolution because I believed that such a decision by the Congress at that time was premature. President Bush was not asking Congress for a declaration of war, as the U.S. Constitution requires. He was asking for a congressional resolution authorizing him to declare war, if he determined it necessary at some later date. I do not fault the President for asking for that blank check. I fault the Congress for giving it to him. In fact, it was over 6 months later that the President made his final decision to commence military action against Iraq.

In a similar vein, I believe that both the Levin-Reed amendment and the Kerry-Feingold amendment were premature. One called for the redeployment of U.S. troops from Iraq to begin within 6 months. The other required the almost complete withdrawal of those troops within a year.

I believe it is impossible to foresee at this time whether either of those actions would be in the best national security and foreign policy interests of the United States 6 months or 1 year from now. The situation in Iraq is too uncertain and too unpredictable to do so. That uncertainty and unpredictability evidence the failures of the Bush administration's conduct of this war effort.

It is now over 3 years since the U.S. military swept from the Iraqi border to Baghdad in only 3 weeks, overthrew Saddam Hussein and his evil regime, and liberated the Iraqi people. Yet after that swift and decisive military victory was won, the Bush administration has failed to secure it.

Administration officials ignored the advice of their own top military commanders—and this is an important lesson for us—and failed to commit

enough U.S. troops to secure the country. Other mistakes followed, leaving security and political vacuums that were filled by foreign terrorists and domestic insurgents.

During the past 3 years, violence in Iraq has steadily increased and still threatens to rip the country apart. Like it or not, our courageous troops remain the only effective protections of the Iraqi people from civil war or anarchy and a lawless bloodbath.

Unfortunately, the bad conditions in Iraq today can become even worse—much worse—if our troops begin or complete their withdrawals before Iraqi forces are able to take their place. That training and equipping of Iraqi replacements should have been completed already, but it is not. I do not know what that timetable is. I am skeptical that anyone else in this body does. The Bush administration should tell us, but they will not, which means they still do not know either.

So it seems to me necessary not to decide and certainly not to act until we have that information. It is imperative not to make future mistakes that will compound the previous mistakes. And we certainly should not decide or act until we have listened to the current views of the top U.S. military commanders, who are responsible for successfully completing our mission in Iraq and for protecting the lives and safety of the 133,000 heroic Americans who are stationed there now.

I serve on the Senate Armed Services Committee, and yet I have not heard those top military views recently expressed.

I respectfully ask the distinguished chairman of our committee to arrange for us to hear them as soon as possible. I read a news report 2 days ago that General Casey, the senior American commander in Iraq, will brief the Secretary of Defense later this week on his newest thinking about U.S. force levels through the end of the year. I want to hear General Casey's recommendation myself and his reasons for it before I am prepared to vote on any proposal affecting U.S. troop levels. I want to give our military commanders in Iraq and our American troops in Iraq what they need to succeed now, 6 months from now, a year from now.

Like most Americans, I wish this war were over. I wish it hadn't begun. But we are in it; we must win it. We cannot leave Iraq until the Iraqi Government has established political control over its country and until the Iraqi security forces can protect their citizens. We cannot leave what we started to end in a lawless bloodbath.

We must rely on our senior military commanders to tell us what force strength they need to successfully complete their mission. The timetable we follow should be theirs, not ours. It should be based upon American security and Iraqi survival. Again, I respectfully urge Chairman WARNER to summon our top military commanders to tell us what they need and for how long. I don't want any more incidents where American soldiers are captured, brutally tortured, and murdered because there were not enough of their fellow American soldiers there to defend them.

I agree with my colleagues about the urgent need for the new Iraqi Government to accelerate their assumption of complete responsibility for their country's services, security, and success. They need to tell us their expected schedule for doing so. We need to assist them in that process, and we need to enlist other nations to help them as well. We must complete our mission in Iraq as soon as possible, but we must complete it with a lasting victory, and we cannot leave until that victory is secure.

We should be discussing what we can do to hasten that day. The Bush administration should be telling us what we need to do to hasten that day, how to accelerate the transfer of responsibilities to Iraqis, how to accelerate the social and economic reconstruction of Iraq, how to enrich the lives of Iraqi citizens rather than the livelihoods of American contractors. Instead, all we get are cheap spin-and-thin slogans rather than substantive proposals and sophisticated solutions. The administration needs to set forth a plan of action in Iraq, a roadmap to final victory. That is what we should be demanding. That is what we should be debating.

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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my colleague from Minnesota. He will be departing our committee this fall, as he departs the Senate. I appreciate the work he has contributed to our committee throughout the year.

It is time for my distinguished colleague from Michigan, ranking member, and I to offer a package of amendments.

Mr. LEVIN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. LEVIN. While he was making reference to the Senator from Minnesota, I think the chairman was off the floor when the Senator from Minnesota, Mr. DAYTON, made some very glowingly positive and affirmative remarks about our chairman and about how he was really delighted to be able to cosponsor the amendment which had been introduced to name this bill after our beloved chairman. I wanted to make sure that he was aware of that and could look up those remarks later.

Mr. WARNER. I was absent from the floor. I express my humble appreciation to my colleague from Minnesota. I recall that he accompanied Senator LEVIN and me to Iraq one time. That was when I first became aware of the knowledge that he had on world affairs and other subjects. He has contributed to the greater good of the Committee on Armed Services. I thank him for his service. But there is more time; he has a little bit left to go.

AMENDMENTS NOS. 4492; 4493; 4494; 4266, AS MODIFIED; 4495; 4307, AS MODIFIED; 4326, AS MODIFIED; 4224; 4496; 4309, AS MODIFIED; 4345; 4368; 4497; 4222; 4498; 4499; 4202, AS MODIFIED; 4500; 4441; 4231, AS MODIFIED; 4409; 4501; 4502; 4503; 4504; 4505; 4506; 4331; 4507; 4508; 4509; 4510; 4219; 4386; 4511; 4197; 4512; 4513; 4514; 4515; 4342; 4365; 4241; 4220, AS MODIFIED; 4371; 4244; 4516; 4466; 4517; 4363, AS MODIFIED; 4450, AS MODIFIED; 4362, AS MODIFIED; 4275, AS MODIFIED; 4475, AS MODIFIED; 4276, AS MODIFIED; 4469, AS MODIFIED; 4477, AS MODIFIED; 4518; 4214; AND 4519, EN BLOC

At this time I send a series of amendments to the desk. They have been cleared by myself and the ranking member. I ask unanimous consent that the Senate consider the amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table.

Finally, I ask that any statements relating to any of the individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4492

(Purpose: To clarify the contracting authority for the chemical demilitarization program)

At the end of subtitle F of title III, add the following:

SEC. 375. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTIYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

AMENDMENT NO. 4493

(Purpose: To extend the authority for the personnel program for scientific and technical personnel)

At the end of title XI, add the following:

SEC. 1104. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

AMENDMENT NO. 4494

(Purpose: To encourage the use of electronic voting technology and to provide for the continuation of the Interim Voting Assistance System)

On page 187, between lines 20 and 21, insert the following:

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with

respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) FUTURE ELECTIONS.—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

AMENDMENT NO. 4266, AS MODIFIED

On page 421, between lines 6 and 7, insert the following:

SEC. 1066. REPORTS ON DEPARTMENT OF JUSTICE EFFORTS TO INVESTIGATE AND PROSECUTE CASES OF CONTRACTING ABUSE IN IRAQ, AFGHANISTAN, AND THROUGHOUT THE WAR ON TERROR.

(a) FINDINGS.—Congress makes the following findings:

(1) Waste, fraud, and abuse in contracting are harmful to United States efforts to successfully win the conflicts in Iraq and Afghanistan and succeed in the war on terror. The act of stealing from our soldiers who are daily in harm's way is clearly criminal and must be actively prosecuted.

(2) It is a vital interest of United States taxpayers to be protected from theft of their tax dollars by corrupt contractors.

(3) Whistleblower lawsuits are an important tool for exposing waste, fraud, and abuse and can identify serious graft and corruption.

(4) This issue is of paramount importance to the United States taxpayer, and the Congress must be provided with information about alleged contractor waste, fraud, and abuse taking place in Iraq, Afghanistan, and throughout the war on terror and about the efforts of the Department of Justice to combat these crimes.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary and the Committee on Government Reform of the House of Representatives, and the congressional defense committees a report on efforts to investigate and prosecute cases of waste, fraud, and abuse under sections 3729 and 3730(b) of title 31, United States Code, or any other related law that are related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) Information on organized efforts of the Department of Justice that have been created to ensure that the Department of Justice is investigating, in a timely and appropriate manner, claims of contractor waste, fraud, and abuse related to the activities of the United States Government in Iraq, Afghanistan, and throughout the war on terror.

(B) Information on the specific number of personnel, financial resources, and workdays devoted to addressing this waste, fraud, and abuse, including a complete listing of all of the offices across the United States and throughout the world that are working on these cases and an explanation of the types of additional resources, both in terms of personnel and finances, that the Department of Justice needs to ensure that all of these cases proceed on a timely basis.

(C) A detailed description of any internal Department of Justice task force that exists to work specifically on cases of contractor fraud and abuse in Iraq, Afghanistan, and throughout the war on terror, including a description of its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the nature and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(D) A detailed description of any interagency task force that exists to work specifically on cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including its action plan, the frequency of its meetings, the level and quantity of staff dedicated to it, its measures for success, the type, nature, and substance of the allegations, and the amount of funds in controversy for each case. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(E) The names of the senior officials directly responsible for oversight of the efforts to address these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(F) Specific information on the number of investigators and other personnel that have been provided to the Department of Justice by other Federal departments and agencies in support of the efforts of the Department of Justice to combat contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including data on the quantity of time that these investigators have spent working within the Department of Justice structures dedicated to this effort.

(G) Specific information on the full number of investigations, including grand jury investigations currently underway, that are addressing these cases of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(H) Specific information on the number and status of the criminal cases that have been launched to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

(I) Specific information on the number of civil cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including specific information on the quantity of cases initiated by private parties, as well as the quantity of cases that have been referred to the Department of Justice by the Department of Defense, the Department of State, and other relevant Federal departments and agencies.

(J) Specific information on the resolved civil and criminal cases that have been filed to address contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror, including the specific results of these cases, the types of waste, fraud, and abuse that took place, the amount of funds that were returned to the United States Government as a result of resolution of these cases, and a full description of the type and substance of the waste, fraud, and abuse that took place. If there is a showing of extraordinary circumstances that disclosure of particular information would pose an imminent threat of harm to a relator and be detrimental to the public interest, then this information should be redacted in accordance with standard practices.

(K) The best estimate by the Department of Justice of the scale of the problem of contractor waste, fraud, and abuse in Iraq, Afghanistan, and throughout the war on terror.

AMENDMENT NO. 4495

(Purpose: To require annual reports on United States contributions to the United Nations)

At the end of subtitle A of title XII add the following:

SEC. 1209. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

AMENDMENT NO. 4307, AS MODIFIED

At the end of subtitle A of title XII, add the following:

SEC. 1209. NORTH KOREA.

(a) COORDINATOR OF POLICY ON NORTH KOREA.—

(1) APPOINTMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall appoint a senior presidential envoy to act as coordinator of United States policy on North Korea.

(2) DESIGNATION.—The individual appointed under paragraph (1) may be known as the ''North Korea Policy Coordinator'' (in this subsection referred to as the ''Coordinator)''.

(3) DUTIES.—The Coordinator shall—

(A) conduct a full and complete interagency review of United States policy toward North Korea including matters related to security and human rights;

(B) provide policy direction for negotiations with North Korea relating to nuclear weapons, ballistic missiles, and other security matters; and

(C) provide leadership for United States participation in Six Party Talks on the denuclearization of the Korean peninsula.

(4) REPORT.—Not later than 90 days after the date of the appointment of an individual as Coordinator under paragraph (1), the Coordinator shall submit to the President and Congress an unclassified report, with a classified annex if necessary, on the actions undertaken under paragraph (3). The report shall set forth—

(A) the results of the review under paragraph (3)(A); and

(B) any other matters on North Korea that the individual considers appropriate.

(b) REPORT ON NUCLEAR AND MISSILE PROGRAMS OF NORTH KOREA.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress an unclassified report, with a classified annex as appropriate, on the nuclear program and the missile program of North Korea.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The most current national intelligence estimate on the nuclear program and the missile program of North Korea, and, consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments in the estimate.

(B) The most current unclassified United States Government assessment, stated as a range if necessary, of (i) the number of nuclear weapons possessed by North Korea and (ii) the amount of nuclear material suitable for weapons use produced by North Korea by plutonium reprocessing and uranium enrichment for each period as follows:

(I) Before October 1994.

(II) Between October 1994 and October 2002.

(III) Between October 2002 and the date of the submittal of the initial report under paragraph (1).

(IV) Each 12-month period after the submittal of the initial report under paragraph (1).

(C) Any other matter relating to the nuclear program or missile program of North Korea that the President considers appropriate.

AMENDMENT NO. 4326

At the end of subtitle B of title II, add the following:

SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense—

(1) $65,000,000 may be available for co-production of the Arrow ballistic missile defense system; and

(2) $63,702,000 may be available for the Arrow System Improvement Program.

AMENDMENT NO. 4224

(Purpose: To include assessments of Traumatic Brain Injury in the post-deployment health assessments of members of the Armed Forces returning from deployment in support of a contingency operation)

On page 267, beginning on line 24, insert after ''mental health'' the following: ''(including Traumatic Brain Injury (TBI))''.

On page 268, line 13, insert ''(including Traumatic Brain Injury)'' after ''mental health''.

AMENDMENT NO. 4496

(Purpose: To require a report on biodefense staffing and training requirements in support of the national biosafety laboratories)

At the end of subtitle G of title X add the following:

SEC. 1066. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOSAFETY LABORATORIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, conduct a study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretary of Defense shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

AMENDMENT NO. 4309, AS MODIFIED

At the end of title XIV, add the following:

SEC. . AMOUNT FOR PROCUREMENT OF HEMOSTATIC AGENTS FOR USE IN THE FIELD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that every member of the Armed Forces deployed in a combat zone should carry life saving resources on them, including hemostatic agents.

(b) AVAILABILITY OF FUNDS.—(1) Of the amount authorized under section 1405(1) for operation and maintenance for the Army, $15,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each soldier serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(2) of the amount authorized under section 1405(3) for operation and maintenance for the Marine Corps, $5,000,000 may be made available for the procurement of a sufficient quantity of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field so that each Marine serving in Iraq and Afghanistan is issued at least one hemostatic agent and accompanying medical personnel have a sufficient inventory of hemostatic agents.

(c) REPORT.—Not later than 60 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 distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, including a description of any distribution problems and attempts to resolve such problems.

AMENDMENT NO. 4345

(Purpose: To specify the qualifications required for instructors in the Junior Reserve Officers' Training Corps Program)

At the end of subtitle D of title V, add the following new section:

SEC. 569. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2033. Instructor qualifications

''(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

''(b) SENIOR MILITARY INSTRUCTORS.—

''(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

''(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

''(A) Professional military qualification, as determined by the Secretary of the military department concerned.

''(B) Award of a baccalaureate degree from an institution of higher learning.

''(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

''(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

''(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

''(ii) professional development to meet content knowledge and instructional skills; and

''(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

''(c) NON-SENIOR MILITARY INSTRUCTORS.—

''(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

''(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

''(A) Professional military qualification, as determined by the Secretary of the military department concerned.

''(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

''(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

''(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

''(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

''(ii) professional development to meet content knowledge and instructional skills; and

''(iii) performance evaluation of competencies and standards within the program through site visits and inspections.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2033. Instructor qualifications.''.

AMENDMENT NO. 4368

(Purpose: Relating to Operation Bahamas, Turks & Caicos)

At the end of subtitle C of title X, add the following:

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interests of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) REPORT ON UNITED STATES GOVERNMENT SUPPORT FOR OPBAT.—

(1) REPORT ON DECISION TO WITHDRAW.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) ELEMENTS.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

AMENDMENT NO. 4497

(Purpose: To provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space)

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called ''black space'') and the non-intelligence aspects of national security space (so-called ''white space'').

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national securit in space.

AMENDMENT NO. 4222

(Purpose: To require consideration of the utilization of fuel cells as back-up power systems in Department of Defense operations)

At the end of subtitle F of title III, add the following:

SEC. 375. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.

The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

AMENDMENT NO. 4498

(Purpose: To authorize an accession bonus for members of the Armed Forces who are appointed as a commissioned officer after completing officer candidate school)

At the end of subtitle B of title VI, add the following:

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 329. Special pay: accession bonus for officer candidates

''(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned.

''(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—

''(1) to complete officer candidate school;

''(2) to accept a commission or appointment as an officer of the armed forces; and

''(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

''(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

''(d) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such

title is amended by adding at the end the following new item:

''329. Special pay: accession bonus for officer candidates.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) LIMITATION ON AMOUNT.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) CONSTRUCTION WITH ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

AMENDMENT NO. 4499

(Purpose: To authorize the National Security Agency to collect service charges for the certification or validation of information assurance products)

At the end of subtitle D of title X, add the following:

SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 20. (a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

''(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A–25.

''(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

''(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

''(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).''.

AMENDMENT NO. 4202, AS MODIFIED

At the end of subtitle D of title III, add the following:

SEC. 352. REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Guard continues to provide invaluable resources to meet national security, homeland defense, and civil emergency mission requirements.

(2) Current military operations, transnational threats, and domestic emergencies will increase the use of the National Guard for both military support to civilian authorities and to execute the military strategy of the United States.

(3) To meet the demand for certain types of equipment for continuing United States military operations, the Army has required Army National Guard Units to leave behind many items for use by follow-on forces.

(4) The Governors of every State and 2 Territories expressed concern in February 2006 that units returning from deployment overseas without adequate equipment would have trouble carrying out their homeland security and domestic disaster duties.

(5) The Department of Defense estimates that it has directed the Army National Guard to leave overseas more than 75,000 items valued at approximately $1,760,000,000 to support Operation Enduring Freedom and Operation Iraqi Freedom.

(6) Department of Defense Directive 1225.6 requires a replacement and tracking plan be developed within 90 days for equipment of the reserve components of the Armed Forces that is transferred to the active components of the Armed Forces.

(7) In October 2005, the Government Accountability Office found that the Department of Defense can only account for about 45 percent of such equipment and has not developed a plan to replace such equipment.

(8) The Government Accountability Office also found that without a completed and implemented plan to replace all National Guard equipment left overseas, Army National Guard units will likely face growing equipment shortages and challenges in regaining readiness for future missions.

(b) REPORTS ON WITHDRAWAL OR DIVERSION OF EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RESERVE UNITS BEING MOBILIZED AND OTHER UNITS.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by inserting after section 10208 the following new section:

''§ 10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units

''(a) REPORT REQUIRED ON WITHDRAWAL OR DIVERSION OF EQUIPMENT.—Not later than 90 days after withdrawing or diverting equipment from a unit of the Reserve to a unit of the Reserve being ordered to active duty under section 12301, 12302, or 12304 of this title, or to a unit or units of a regular component of the armed forces, for purposes of the discharge of the mission of such unit or units, the Secretary concerned shall submit to the Secretary of Defense a status report on the withdrawal or diversion of equipment.

''(b) ELEMENTS.—Each status report under subsection (a) on equipment withdrawn or diverted shall include the following:

''(1) A plan to recapitalize or replace such equipment within the unit from which withdrawn or diverted.

''(2) If such equipment is to remain in a theater of operations while the unit from which withdrawn or diverted returns to the United States, a plan to provide such unit with recapitalized or replacement equipment appropriate to ensure the continuation of the readiness training of such unit.

''(3) A signed memorandum of understanding between the active or reserve component to which withdrawn or diverted and the reserve component from which withdrawn or diverted that specifies—

''(A) how such equipment will be tracked; and

''(B) when such equipment will be returned to the component from which withdrawn or diverted.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by inserting after the item relating to section 10208 the following new item:

''10208a. Mobilization: reports on withdrawal or diversion of equipment from Reserve units for support of Reserve units being mobilized and other units.''.

AMENDMENT NO. 4500

(Purpose: To provide for the procurement of replacement equipment)

At the end of subtitle B of title I, add the following:

SEC. 114. REPLACEMENT EQUIPMENT.

(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for active and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.

(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies/disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

AMENDMENT NO. 4441

(Purpose: To require a plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom)

At the end of subtitle D of title III, add the following:

SEC. 352. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR DIVERTED FROM THE RESERVE COMPONENTS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to replace equipment withdrawn or diverted from units of the reserve components of the Armed Forces for use in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) ELEMENTS.—The plan required by subsection (a) shall—

(1) identify the equipment to be recapitalized or acquired to replace the equipment described in subsection (a);

(2) specify a schedule for recapitalizing or acquiring the equipment identified under paragraph (1), which schedule shall take into account applicable depot workload and acquisition considerations, including production capacity and current production schedules; and

(3) specify the funding to be required to recapitalize or acquire the equipment identified under paragraph (1)

AMENDMENT NO. 4231, AS MODIFIED

At the end of subtitle B of title VII, add the following:

SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.

(a) FINDING.—Congress finds that the Mental Health Self-Assessment Program (MHSAP) of the Department of Defense is vital to the overall health and well-being of deploying members of the Armed Forces and their families because that program provides—

(1) a non-threatening, voluntary, anonymous self-assessment of mental health that is effective in helping to detect mental health and substance abuse conditions;

(2) awareness regarding warning signs of such conditions; and

(3) information and outreach to members of the Armed Forces (including members of the National Guard and Reserves) and their families on specific services available for such conditions.

(b) EXPANSION OF PROGRAM.—The Secretary of Defense shall, acting through the Office of Health Affairs of the Department of Defense, take appropriate actions to expand the Mental Health Self-Assessment Program in order to achieve the following:

(1) The continuous availability of the assessment under the program to members and former members of the Armed Forces in order to ensure the long-term availability of the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge over time.

(2) The availability of programs and services under the program to address the mental health of dependent children of members of the Armed Forces who have been deployed or mobilized.

(c) OUTREACH.—The Secretary shall develop and implement a plan to conduct outreach and other appropriate activities to expand and enhance awareness of the Mental Health Self-Assessment Program, and the programs and services available under that program, among members of the Armed Forces (including members of the National Guard and Reserves) and their families.

(d) REPORTS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions undertaken under this section during the one-year period ending on the date of such report.

AMENDMENT NO. 4409

(Purpose: To require a report on the provision of an electronic copy of military records to members of the Armed Forces upon their discharge or release from the Armed Forces)

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 120 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 feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter to relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

AMENDMENT NO. 4501

(Purpose: To require a report on vehicle-based active protection systems for certain battlefield threats)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy, top attack, and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) REPORT.—

(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

AMENDMENT NO. 4502

(Purpose: To require an annual report on the amount of the acquisitions made by the Department of Defense of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States)

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) CONTENT.—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) PUBLIC AVAILABILITY.—The Department of Defense submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) APPLICABILITY.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

AMENDMENT NO. 4503

(Purpose: To require an annual report on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States)

At the end of subtitle G of title X, add the following:

SEC. . ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United states.

(b) CONTENT.—Each report required by subsection (a) shall indicate, for each sale in excess of $2,000,000—

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) PUBLIC AVAILABILITY.—The Department of Defense shall make reports submitted under this section publicly available to the maximum extent practicable.

AMENDMENT NO. 4504

(Purpose: To expand and enhance the authority of the Secretaries of the military departments to remit or cancel indebtedness of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) MEMBERS OF THE ARMY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking ''a member of the Army'' and all that follows through ''in an active status'' and inserting ''a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army''.

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding ''or'' at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

''(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.''.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) MEMBERS OF THE NAVY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Section 6161 of title 10, United

States Code, is amended by striking ''a member of the Navy'' and all that follows through ''in an active status'' and inserting ''a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy , or a former member of the Navy''.

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding ''or'' at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

''(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.''.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(c) MEMBERS OF THE AIR FORCE.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking ''a member of the Air Force'' and all that follows through ''in an active status'' and inserting ''a member of the Air Force (including a member on active duty or a member of a reserve component in an active status), a retired member of the Air Force, or a former member of the Air Force''.

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding ''or'' at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

''(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.''.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

AMENDMENT NO. 4505

(Purpose: To provide an exception for notice to consumer reporting agencies regarding debts or erroneous payments for which a decision to waive or cancel is pending)

At the end of subtitle E of title VI, add the following:

SEC. 662. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) EXCEPTION.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting ''(1) Except as provided in paragraph (2), the Secretary''; and

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

''(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37), or the designee of such Secretary, determines that disclosure under that paragraph pending such decision is in the best interests of the United States.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2007.

(2) APPLICATION TO PRIOR ACTIONS.—Paragraph (2) of section 2780(b) of title 10, United States Code (as added by subsection (a)), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) REPORT.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

AMENDMENT NO. 4506

(Purpose: To enhance authority relating to the waiver of claims for overpayment of pay and allowances of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) CLARIFICATION OF PAY AND ALLOWANCES.—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting ''(including any bonus or special or incentive pay)'' after ''pay or allowances''.

(b) WAIVER BY SECRETARIES CONCERNED.—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting ''or the designee of such Secretary'' after ''title 37,''; and

(2) in subparagraph (A), by striking ''$1,500'' and inserting ''$10,000''.

(c) TIME FOR WAIVER.—Subsection (b)(2) of such section is amended by striking ''three years'' and inserting ''five years''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

(e) DEADLINE FOR REVISED STANDARDS.—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

AMENDMENT NO. 4331

(Purpose: To establish requirements with respect to the terms of consumer credit extended by a creditor to a servicemember or the dependent of a servicemember, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER'S DEPENDENT.

(a) TERMS OF CONSUMER CREDIT.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. TERMS OF CONSUMER CREDIT.

''(a) INTEREST.—A creditor who extends consumer credit to a servicemember or a servicemember's dependent shall not require the servicemember or the servicemember's dependent to pay interest with respect to the extension of such credit, except as—

''(1) agreed to under the terms of the credit agreement or promissory note;

''(2) authorized by applicable State or Federal law; and

''(3) not specifically prohibited by this section.

''(b) ANNUAL PERCENTAGE RATE.—A creditor described in subsection (a) shall not impose an annual percentage rate greater than 36 percent with respect to the consumer credit extended to a servicemember or a servicemember's dependent.

''(c) MANDATORY LOAN DISCLOSURES.—

''(1) INFORMATION REQUIRED.—With respect to any extension of consumer credit to a servicemember or a servicemember's dependent, a creditor shall provide to the servicemember or the servicemember's dependent the following information in writing, at or before the issuance of the credit:

''(A) A statement of the annual percentage rate applicable to the extension of credit.

''(B) Any disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.).

''(C) A clear description of the payment obligations of the servicemember or the servicemember's dependent, as applicable.

''(2) TERMS.—Such disclosures shall be presented in accordance with terms prescribed by the regulations issued by the Board of Governors of the Federal Reserve System to implement the Truth in Lending Act (15 U.S.C. 1601 et seq.).

''(d) LIMITATION.—A creditor described in subsection (a) shall not automatically renew, repay, refinance, or consolidate with the proceeds of other credit extended by the same creditor any consumer credit extended to a servicemember or a servicemember's dependent without—

''(1) executing new loan documentation signed by the servicemember or the servicemember's dependent, as applicable; and

''(2) providing the loan disclosures described in subsection (c) to the servicemember or the servicemember's dependent.

''(e) PREEMPTION.—Except as provided in subsection (f)(2), this section preempts any State or Federal law, rule, or regulation, including any State usury law, to the extent that such laws, rules, or regulations are inconsistent with this section, except that this section shall not preempt any such law, rule, or regulation that provides additional protection to a servicemember or a servicemember's dependent.

''(f) PENALTIES.—

''(1) MISDEMEANOR.—Any creditor who knowingly violates this section shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

''(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this section are in addition to and do not preclude any remedy otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

''(g) DEFINITION.—For purposes of this section, the term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to the extension of consumer credit.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Servicemembers Civil Relief

Act (50 U.S.C. App. 501) is amended by inserting after the item relating to section 207 the following new item:

''Sec. 208. Terms of consumer credit''.

AMENDMENT NO. 4507

(Purpose: To Require the President to Conduct a Review of Circumstances Establishing Eligibility for the Purple Heart for former prisoners of war dying in or due to captivity and to Report to the Congress on the Advisability of Modifying the Criteria for Award of the Purple Heart)

At the appropriate place, add the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use;

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952, Executive Order 11016, dated April 25, 1962, and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) DETERMINATION.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941 and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of Title 10 but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) REQUIREMENTS.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart, and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff:

(d) REPORT.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

AMENDMENT NO. 4508

(Purpose: To modify the qualifications for leadership of the Naval Postgraduate School)

At the end of part I of subtitle A of title V, add the following:

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''active-duty or retired'' after ''An'';

(B) by inserting ''or Marine Corps'' after ''Navy'';

(C) by inserting ''or colonel, respectively'' after ''captain''; and

(D) by inserting ''or assigned'' after ''detailed'';

(2) in paragraph (2), by inserting ''and the Commandant of the Marine Corps'' after ''Operations''; and

(3) in paragraph (4)(A)—

(A) by inserting ''(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)'' after ''in the case of a civilian'';

(B) by inserting ''active-duty or retired'' after ''in the case of an''; and

(C) by inserting ''or Marine Corps'' after ''Navy''.

AMENDMENT NO. 4509

(Purpose: To provide that the Secretary of the Army shall not be considered an owner or operator for purposes of environmental liability in connection with the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government)

On page 555, strike lines 1 through line 12 and insert the following:

''(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

AMENDMENT NO. 4510

(Purpose: To increase the number of options periods authorized for extension of current contracts under the TRICARE program)

At the end of subtitle B of title VII, add the following:

SEC. 730. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) ADDITIONAL NUMBER OF AUTHORIZED PERIODS.—

(1) IN GENERAL.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) LIMITATION ON NUMBER OF EXTENSIONS.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed 2 extensions.

(3) NOTICE AND WAIT.—The Secretary may not commence the exercise of the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) DEFINITIONS.—In this subsection, the terms ''administering Secretaries'' and ''TRICARE program'' have the meaning given such terms in section 1072 of title 10, United States Code.

(b) REPORT ON CONTRACTING MECHANISMS FOR HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as ''excellent''.

AMENDMENT NO. 4219

(Purpose: To rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation)

At the end of subtitle D of title VI, add the following:

SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES AS FALLEN HERO COMPENSATION.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking ''have a death gratuity paid'' and inserting ''have fallen hero compensation paid''.

(2) In section 1476(a)—

(A) in paragraph (1), by striking ''a death gratuity'' and inserting ''fallen hero compensation''; and

(B) in paragraph (2), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(3) In section 1477(a), by striking ''A death gratuity'' and inserting ''Fallen hero compensation''.

(4) In section 1478(a), by striking ''The death gratuity'' and inserting ''The amount of fallen hero compensation''.

(5) In section 1479(1), by striking ''the death gratuity'' and inserting ''fallen hero compensation''.

(6) In section 1489—

(A) in subsection (a), by striking ''a gratuity'' in the matter preceding paragraph (1) and inserting ''fallen hero compensation''; and

(B) in subsection (b)(2), by inserting ''or other assistance'' after ''lesser death gratuity''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENTS.—Such subchapter is further amended by striking ''**DEATH GRATUITY:**'' each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting ''**FALLEN HERO COMPENSATION:**''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such subchapter is amended by striking ''Death gratuity:'' in the items relating to sections 1474 through 1480 and 1489 and inserting ''Fallen hero compensation:''.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

AMENDMENT NO. 4386

(Purpose: To require a joint family support assistance program for families of members of the Armed Forces)

At the end of subtitle E of title VI, add the following:

SEC. 662. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a joint family support assistance program for the purpose of providing assistance to families of members of the Armed Forces.

(b) LOCATIONS.—

(1) IN GENERAL.—The Secretary shall carry out the program for at least six regions of the country through sites established by the Secretary for purposes of the program in such regions.

(2) LOCATION OF CERTAIN SITES.—At least three of the sites established under paragraph (1) shall be located in an area that it geographically isolated from military installations.

(c) FUNCTIONS.—The Secretary shall provide assistance to families of the members of the Armed Forces under the program by providing at each site established for purposes of the program under subsection (b) the following:

(1) Financial, material, and other assistance to families of members of the Armed Forces.

(2) Mobile support services to families of members of the Armed Forces.

(3) Sponsorship of volunteers and family support professionals for the delivery of support services to families of members of the Armed Forces.

(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

(d) RESOURCES.—

(1) IN GENERAL.—The Secretary shall provide personnel and other resources necessary for the implementation and operation of the program at each site established under subsection (b).

(2) ACCEPTANCE OF CERTAIN SERVICES.—In providing resources under paragraph (1), the Secretary may accept and utilize the services of non-Federal Government volunteers and non-profit entities.

(e) PROCEDURES.—The Secretary shall establish procedures for the operation of each site established under subsection (b) and for the provision of assistance to families of members of the Armed Forces at such site.

(f) IMPLEMENTATION PLAN.—

(1) PLAN REQUIRED.—Not later than 30 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report setting forth a plan for the implementation of the program.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the actions taken to select and establish sites for the program under subsection (b).

(B) A description of the procedures established under subsection (d).

(C) A review of proposed actions to be taken under the program to improve coordination on family assistance program and activities between and among the Department of Defense, other departments and agencies of the Federal Government, State and local agencies, and non-profit entities.

(g) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the first obligation of amounts for the program, the Secretary shall submit to the congressional defense committees a report on the program.

(2) ELEMENTS.—The report shall include the following:

(A) A description of the program, including each site established for purposes of the program, the procedures established under subsection (d) for operations at each such site, and the assistance provided through each such site for families of members of the Armed Forces.

(B) An assessment of the effectiveness of the program in providing assistance to families of members of the Armed Forces.

(C) An assessment of the advisability of extending the program or making it permanent.

(h) ASSISTANCE TO NON-PROFIT ENTITIES PROVIDING ASSISTANCE TO MILITARY FAMILIES.—The Secretary may provide financial, material, and other assistance to non-profit entities in order to facilitate the provision by such entities of assistance to geographically isolated families of members of the Armed Forces.

(i) SUNSET.—The program required by this section, and the authority to provide assistance under subsection (h), shall cease upon the date that is three years after the first obligation of amounts for the program.

(j) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 may be available for the program required by this section and the provision of assistance under subsection (h).

AMENDMENT NO. 4511

(Purpose: To clarify the repeal of the requirement of reduction of Survivor Benefit Plan annuities by dependency and indemnity compensation)

On page 223, strike line 14 and all that follows through line 23, and insert the following:

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

On page 224, line 15, strike ''Code,'' and insert ''Code (as in effect on the day before the effective date provided under subsection (e)),''.

On page 225, line 13, strike ''1448(d)(2)B)'' and insert ''1448(d)(2)(B)''.

AMENDMENT NO. 4197

(Purpose: To modify the effect date of the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for veterans with service-connected disabilities rated as total by virtue of unemployability)

At the end of subtitle D of title VI, add the following:

SEC. 648. EFFECTIVE DATE OF TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY VIRTUE OF UNEMPLOYABILITY.

(a) IN GENERAL.—Section 1414(a)(1) of title 10, United States Code, is amended by striking ''100 percent'' the first place it appears and all that follows and inserting ''100 percent and in the case of a qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

AMENDMENT NO. 4512

(Purpose: To modify certain additional authorities for purposes of the targeted shaping of the Armed Forces)

On page 214, strike line 3 and insert the following:

(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: ''However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.''.

(c) ENHANCED AUTHORITY FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGES.—

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting ''and during the period beginning on October 1, 2006, and ending on December 31, 2012,'' after ''December 31, 2001,''.

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: ''However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.''.

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: '', except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade''; and

(B) in subparagraph (B), by inserting before the period the following: '', except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent

of the number of officers considered in each grade''.

(d) INCREASE IN AMOUNT OF INCENTIVE BONUS

AMENDMENT NO. 4513

(Purpose: To provide for the determination of the retired pay base or retain pay base of a general or flag officer based on actual rates of basic pay rather than on amounts payable under the ceiling on the basic pay of such officers)

At the end of subtitle D of title VI, add the following:

SEC. 648. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) DETERMINATION OF RETIRED PAY BASE.—

(1) IN GENERAL.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section:

''§ 1407a. Retired pay base: members who were general or flag officers

''Notwithstanding any other provision of law, if the determination of the retired pay base or retainer pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grades O–7 through O–10 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

''1407a. Retired pay base: members who were general or flag officers.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

AMENDMENT NO. 4514

(Purpose: To provide in the calculation of retired pay for members of the Armed Forces that service in excess of 30 years shall not be subject to the maximum limit on the percentage of the retired pay multiplier)

At the end of subtitle D of title VI, add the following:

SEC. 648. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) IN GENERAL.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

''(3) 30 YEARS OF SERVICE.—

''(A) RETIREMENT BEFORE JANUARY 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

''(B) RETIREMENT AFTER DECEMBER 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

''(i) 75 percent; and

''(ii) the product (stated as a percentage) of—

''(I) 2½; and

''(II) the member's years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.''.

(b) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12739(c) of such title is amended—

(1) by striking ''The total amount'' and inserting ''(1) Except as provided in paragraph (2), the total amount''; and

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

''(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

''(A) 75 percent of the retired pay base upon which the computation is based; and

''(B) the product of—

''(i) the retired pay base upon which the computation is based; and

''(ii) 2½ percent of the years of service credited to that person under section 12733 of this title for service, regardless of when served, under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.''.

AMENDMENT NO. 4515

(Purpose: To modify the commencement date of eligibility for an optional annuity for dependents under the Survivor Benefit Plan)

At the end of subtitle D of title VI, add the following:

SEC. 648. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking ''who dies after November 23, 2003'' and inserting ''who dies after October 7, 2001''.

(b) APPLICABILITY.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

AMENDMENT NO. 4342

(Purpose: To modify the time limitation for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations)

At the end of subtitle D of title V, add the following:

SEC. 569. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking ''this chapter while serving—'' and all that follows and inserting ''this chapter—

''(1) while the member is serving—

''(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

''(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

''(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

AMENDMENT NO. 4365

(Purpose: To reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods and to expand eligibility of members of the Selected Reserve for coverage under the TRICARE program)

At the end of subtitle D of title VI, add the following:

SEC. 648. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) has attained the eligibility age applicable under subsection (f) to that person;''; and

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

''(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

''(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

''(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

''(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

''(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).''.

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.''.

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

At the end of subtitle A of title VII, add the following:

SEC. 707. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) IN GENERAL.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) is an employee of a business with 20 or fewer employees.''.

(b) PREMIUMS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

''(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

AMENDMENT NO. 4241

(Purpose: To name the Act after John Warner, a Senator from Virginia)

On page 2, strike lines 1 through 3, and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''John Warner National Defense Authorization Act for Fiscal Year 2007''.

(b) FINDINGS.—Congress makes the following findings:

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner's service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty Officer 3rd Class. He then attended Washington and Lee University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Director of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation's founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that his Act, the last annual authorization Act for the national defense that Senator Warner manages in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

AMENDMENT NO. 4220, AS MODIFIED

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON HIGH ALTITUDE AVIATION TRAINING SITE, EAGLE COUNTY, COLORADO.

(a) REPORT REQUIRED.—Not later than December 15, 2006, the Secretary of the Army shall submit to the congressional defense committees a report on the High Altitude Aviation Training Site (HAATS) in Eagle County, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the type of high altitude aviation training being conducted at the High Altitude Aviation Training Site, including the number of pilots who receive such training on an annual basis and the types of aircraft used in such training.

(2) A description of the number and type of helicopters required at the High Altitude Aviation Training Site to provide the high altitude aviation training needed to sustain the war strategies contained in the 2006 Quadrennial Defense Review, assuming that priority is afforded in the provision of such training to commanders, instructor pilots, aviation safety officers, and deploying units.

(3) A thorough evaluation of accident rates for deployed helicopter pilots of the Army who receive high altitude aviation training at the High Altitude Aviation Training Site, and accident rates for deployed Army helicopter pilots who did not receive such training, including the following:

(A) An estimate (set forth as a range) of the number of accidents attributable to power management.

(B) The number of accidents occurring in a combat environment.

(C) The number of accidents occurring in a non-combat environment.

(4) An evaluation of the inventory and availability of Army aircraft for purposes of establishing an appropriate schedule for the assignment of a CH–47 aircraft to the High Altitude Aviation Training Site; if the Chief of Staff of the Army determines there is value in conducting such training at the HAATS.

(5) A description of the status of any efforts to ensure that all helicopter aircrews deployed to the area of responsibility of the Central Command (CENTCOM AOR) are qualified in mountain flight and power management prior to deployment, including the locations where such training occurred, with particular focus on the status of such efforts with respect to aircrews to be deployed in support of Operation Enduring Freedom.

(c) TRACKING SYSTEM.—The Secretary shall implement a system for tracking those pilots that have attended a school with an established Program of Instruction for high altitude aviation operations training. The system should, if practical, utilize an existing system that permits the query of pilot flight experience and training.

AMENDMENT NO. 4371

(Purpose: To improve the provisions relating to the linking of award and incentive fees to acquisition outcomes)

On page 345, line 2, strike ''poor'' and insert ''below-satisfactory performance or performance that does not meet the basic requirements of the contract''.

AMENDMENT NO. 4244

(Purpose: Relating to military vaccinations)

At the end of subtitle B of title VII, add the following:

SEC. 730. MILITARY VACCINATION MATTERS.

(a) ADDITIONAL ELEMENT FOR COMPTROLLER GENERAL STUDY AND REPORT ON VACCINE HEALTHCARE CENTERS.—Section 736(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3356) is amended by adding at the end the following new paragraph:

''(10) The feasibility and advisability of transferring direct responsibility for the Centers from the Army Medical Command to the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of

Defense for Force Protection and Readiness.''.

(b) RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(2) ELEMENTS.—The joint military medical center of excellence under paragraph (1) shall consist of the following:

(A) The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.

(B) Any other elements that the Secretary considers appropriate.

(3) AUTHORIZED ACTIVITIES.—In acting as the principal elements of the joint military medical center under paragraph (1), the Vaccine Healthcare Centers referred to in paragraph (2)(A) may carry out the following:

(A) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(B) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(C) The development and sustainment of a long-term vaccine safety and efficacy registry.

(D) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(E) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(F) Educational outreach for immunization providers and those required to receive immunizations.

(G) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

(c) LIMITATION ON RESTRUCTURING OF VACCINE HEALTHCARE CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense until the Secretary submits to Congress a report setting forth a plan for meeting the immunization needs of the Armed Forces during the 10-year period beginning on the date of the submittal of the report.

(2) REPORT ELEMENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the potential biological threats to members of the Armed Forces that are addressable by vaccine.

(B) An assessment of the distance and time required to travel to a Vaccine Healthcare Center by members of the Armed Forces who have severe reactions to a mandatory military vaccine.

(C) An identification of the most effective mechanisms for ensuring the provision services by the Vaccine Healthcare Centers to both military medical professionals and members of the Armed Forces.

(D) An assessment of current military and civilian expertise with respect to mass adult immunization programs, including case management under such programs for rare adverse reactions to immunizations.

(E) An organizational structure for each military department to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces.

AMENDMENT NO. 4516

(Purpose: To ensure the timely completion of the equity finalization process for Naval Petroleum Reserve Numbered 1)

At the end of division C, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting ''(1)'' after ''(g)''; and

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

''(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer's 'Shallow Oil Zone Provisional Recommendation of Equity Participation,' which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer, as that term is used in the Protocol on NPR-1 Equity Finalization Implementation Process, July 8, 1996, for the Shallow Oil Zone unless the Department of Energy and Chevron U.S.A. Inc. agree in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to either party for any cost or expense incurred or for any loss or damage sustained—

''(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

''(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

''(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by the its gross negligence or willful misconduct.

''(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.''.

AMENDMENT NO. 4466

(Purpose: To improve mental health screening and services for members of the Armed Forces)

At the end of subtitle B of title VII, add the following:

SEC. 730. ENHANCED MENTAL HEALTH SCREENING AND SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) REQUIRED ELEMENTS OF ASSESSMENTS.—Each pre-deployment mental health assessment of a member of the Armed Forces, shall include the following:

(1) A mental health history of the member, with emphasis on mental health status during the 12-month period ending on the date of the assessment and a review of military service during that period.

(2) An assessment of the current treatment of the member, and any use of psychotropic medications by the member, for a mental health condition or disorder.

(3) An assessment of any behavior of the member identified by the member's commanding officer that could indicate the presence of a mental health condition.

(4) Information provided by the member (through a checklist or other means) on the presence of any serious mental illness or any symptoms indicating a mental health condition or disorder.

(b) REFERRAL FOR FURTHER EVALUATION.—Each member of the Armed Forces who is determined during a pre-deployment or post-deployment mental health assessment to have, or have symptoms or indicators for, a mental health condition or disorder shall be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

(c) REFERRAL OF MEMBERS DEPLOYED IN CONTINGENCY OR COMBAT OPERATIONS.—any member of the Armed Forces called or ordered to active duty in support of contingency or combat operations who requests access to mental health care services any time before, during, or after deployment shall be provided access to such services—

(1) not later than 72 hours after the making of such request; or

(2) at the earliest practicable time thereafter.

(d) MINIMUM MENTAL HEALTH STANDARDS FOR DEPLOYMENT.—

(1) STANDARDS REQUIRED.—The Secretary of Defense shall prescribe in regulations minimum standards for mental health for the eligibility of a member of the Armed Forces for deployment to a combat operation or contingency operation.

(2) ELEMENTS.—The standards required by paragraph (1) shall include the following:

(A) A specification of the mental health conditions, treatment for such conditions, and receipt of psychotropic medications for such conditions that preclude deployment of a member of the Armed Forces to a combat operation or contingency operation, or to a specified type of such operation.

(B) Guidelines for the deployability and treatment of members of the Armed Forces diagnosed with a severe mental illness or Post Traumatic Stress Disorder (PTSD).

(3) UTILIZATION.—The Secretary shall take appropriate actions to ensure the utilization of the standards prescribed under paragraph (1) in the making of determinations regarding the deployability of members of the Armed Forces to a combat operation or contingency operation.

(e) MONITORING OF CERTAIN INDIVIDUALS.—The Secretary of Defense shall develop a plan, to be implemented throughout the Department of Defense, for monitoring the mental health of each member of the Armed Forces who, after deployment to a combat operation or contingency operation, is known—

(1) to have a mental health condition or disorder; or

(2) to be receiving treatment, including psychotropic medications, for a mental health condition or disorder.

(f) IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House or Representatives a report on the actions taken to implement the requirements of this section.

AMENDMENT NO. 4517

(Purpose: To make funds available for the Our Military Kids youth support program)

At the end of title XIV, add the following:

SEC. 1414. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and

secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) ARMY NATIONAL GUARD FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

AMENDMENT NO. 4363, AS MODIFIED

At the end of subtitle B of title III, add the following:

SEC. 315. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $2,500,000 may be available for Infantry Combat Equipment (ICE).

AMENDMENT NO. 4450, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. HIGH ENERGY LASER-LOW ASPECT TARGET TRACKING.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for the Department of Defense High Energy Laser Test Facility for High Energy Laser Low Aspect Target Tracking (HEL–LATT) test series done jointly with the Navy.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $5,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4362, AS MODIFIED

At the end of subtitle B of title III, add the following:

SEC. 315. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $1,500,000 may be available for the Individual First Aid Kit (IFAK).

AMENDMENT NO. 4275, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. ADVANCED ALUMINUM AEROSTRUCTURES INITIATIVE.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $2,000,000 may be available for Aerospace Technology Development and Demonstration (PE #603211F) for the Advanced Aluminum Aerostructures Initiative (A3I).

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $2,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4475, AS MODIFIED

At the end of subtitle A of title II, add the following:

SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION OF WARFIGHTER RAPID AWARENESS PROCESSING TECHNOLOGY.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $4,000,000 may be available for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $4,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4276, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. LEGGED MOBILITY ROBOTIC RESEARCH.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Combat Vehicle and Automotive Technology (PE #602601A) for legged mobility robotic research for military applications.

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby decreased by $1,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4469, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. WIDEBAND DIGITAL AIRBORNE ELECTRONIC SENSING ARRAY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Wideband Digital Airborne Electronic Sensing Array (PE #0602204F).

(c) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $3,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4477, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 215. SCIENCE AND TECHNOLOGY.

(a) ARMY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103A for University Research Initiatives.

(b) NAVY SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103N for University Research Initiatives.

(c) AIR FORCE SUPPORT FOR UNIVERSITY RESEARCH INITIATIVES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601103F for University Research Initiatives.

(d) COMPUTER SCIENCE AND CYBERSECURITY.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $10,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $10,000,000 may be available for program element PE 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SMART NATIONAL DEFENSE EDUCATION PROGRAM.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1), $5,000,000 may be available for program element PE 0601120D8Z for the SMART National Defense Education Program.

(f) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4518

(Purpose: To make available funds for the Reading for the Blind and Dyslexic program of the Department of Defense)

At the end of subtitle B of title III, add the following:

SEC. 315. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFENSE DEPENDENTS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for defense dependents of elementary

and secondary school age in the continental United States and overseas.

(b) SEVERELY WOUNDED OR INJURED MEMBERS OF THE ARMED FORCES.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

AMENDMENT NO. 4214

(Purpose: To make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio)

At the appropriate place, insert the following:

RICKENBACKER AIRPORT, COLUMBUS, OHIO

SEC. _____. The project numbered 4651 in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1434) is amended by striking ''Grading, paving'' and all that follows through ''Airport'' and inserting ''Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, OH''.

AMENDMENT NO. 4519

(Purpose: To make technical corrections to a high priority project and transportation improvement project in the State of Michigan)

At the appropriate place, insert the following:

SEC. ___. HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) HIGH PRIORITY PROJECT.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking ''Plan and construct, land acquisition, Detroit West Riverfront Greenway'' and inserting ''Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit''.

(b) TRANSPORTATION IMPROVEMENT PROJECT.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking ''Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit'' and inserting ''Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit''.

AMENDMENT NO. 4197

Mr. REID. Mr. President, I rise today along with my colleague Mrs. Lincoln to discuss an amendment accepted today by the distinguished chairman Mr. WARNER, and ranking member, Mr. LEVIN.

I appreciate their willingness to advance this very important legislation. Our policy must reflect our Nation's care and appreciation for our veterans, and I will continue to work towards obtaining full concurrent receipt. I have said it before, but I will say it again.

It is unacceptable that the men and women who dedicated their entire careers to service in the military must surrender a portion of their retired pay if they want to receive the disability compensation.

It is acceptable, but today, because of the policy of concurrent receipt, it is the law for veterans classified as unemployable.

Throughout my time in the Senate, I have championed legislation that would end the unfair policy of denying America's disabled veteran's retirement benefits they have earned through years of service and sacrifice.

In 2004, I introduced legislation that was passed into helping those veterans who were 100 percent disabled to receive full concurrent receipt immediately. By eliminating the 10-year phasein period, the passage of this legislation was a significant victory for those who have fought for our freedom.

But, I never imagined that the administration would intentionally change the intent, interpret the law, and shamelessly deny unemployable veterans, no matter what their disability rating, retirement pay and disability compensation.

What kind of message does this send to our men and women in the military today?

We have thousands of new American veterans from the Iraq and Afghanistan wars. These men and women serve in the most inhospitable reaches of the world, defending our freedoms and fighting for the cause of liberty.

Most of these young American Veterans don't realize that if they are injured or wounded to the point were that can no longer work, will have to choose between their retired pay and their disability compensation. As of today, they will not receive both until 2009.

This is unfair.

Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable.

For several years I have introduced and championed legislation that would end the unfair policy of denying America's disabled veterans' retirement benefits they have earned through years of service and sacrifice.

In November 2005, an amendment was passed to expand concurrent receipt to cover America's disabled veterans rated as ''unemployable,'' and to implement the new policy immediately instead of phasing it in over a decade. However, I was disappointed that the conference committee chose not to enact this valuable legislation until 2009.

Therefore, I introduced this amendment to restore their full benefits as originally intended in the legislation I introduced in 2004.

Veterans' disability compensation is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any post-service working life.

Mr. President, an ''unemployable'' retiree should not have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability.

At a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform.

All who have selected to make their career in the U.S. military now face an additional unknown risk in our fight against terrorism. If they are injured, they would be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they would be paying for their own disability benefits from their retirement checks unless my legislation is enacted.

This will send a signal to these brave men and women that the American people and government take care of those who make sacrifices for our nation. It is time for us to show our appreciation to the men and women who have demonstrated their allegiance to their country and the principles it stands for.

I, again, thank Senator WARNER and Senator LEVIN for their assistance in including this provision in the fiscal year 2007 Defense authorization bill.

AMENDMENT NO. 4494

Mr. DODD. Mr. President, I rise today to discuss my concerns about the amendment offered by my good colleague Senator BURNS, regarding electronic voting technology to S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

I understand that this amendment directs the Department of Defense, DOD, to continue the interim voting assistance system, IVAS, for uniformed service voters, overseas Defense Department employees, and dependents of such voters and employees, for all Federal elections through December 31, 2006. The amendment would not, as I understand it, extend the current program to nonmilitary overseas voters. Further, I understand that the amendment directs the DOD to submit two reports to Congress, one assessing the IVAS program during the 2006 Federal elections and the second detailing plans for an expansion of the IVAS program to all voters covered under the Uniform Overseas Citizens Absentee Voting Act, UOCAVA, through November 2010.

I commend my colleague from Montana for his efforts to protect the fundamental right to vote and for extending a critical program that facilitates electronic ballot access for our valiant overseas service men and women, their colleagues and families. I strongly support the goals of this legislation.

However, I am deeply concerned that the amendment as drafted continues to

withhold the benefits of new technology from millions of other nonmilitary overseas voters in a manner that is inconsistent with the purposes of UOCAVA. According to the language of this amendment, only those with an existing affiliation to DOD will continue to benefit from the IVAS program in contrast to the broader group of citizens covered by UOCAVA, including overseas voters who are not members of the military, employees of the Defense Department or a dependent of either group.

As my colleague know, UOCAVA treats all overseas voters—military, civilian or otherwise—equally with respect to voting rights. Classes of voters under UOCAVA are not bifurcated. This approach ensures that the all voters are treated in a nondiscriminatory manner under UOCAVA.

The number of overseas voters continues to make a difference in our Federal elections. The Federal Voting Assistance Program, FVAP, under the Secretary of Defense estimates that over 3 percent of the total vote in the 1996, 2000, and 2004 elections came from abroad. In addition, an umbrella coalition focused on military and overseas voters estimates that the number of Americans residing overseas have ranged from 3 million to 6 million, but generally put the global population somewhere around 4 million. The coalition's member organizations include the Federation of American Women's Clubs Overseas Inc, FAWCO, the American Citizens Abroad, ACA, the Alliance of American Organizations–Spain and Portugal, ALLAMO and the Association of Americans Resident Overseas, AARO. Overseas voters are important Americans who, under the goals of UOCAVA, must have the same opportunity to cast a vote and have that vote counted as their military counterparts.

There is nothing more fundamental to the vitality and endurance of a democracy of the people, by the people and for the people, than the people's right to vote. Thomas Paine wrote in 1795 that, ''the right of voting for representatives is the primary right by which other rights are protected.'' This statement takes on an even more significant meaning to Americans when America is at war.

As a former Peace Corps volunteer, I can offer testimony to the meaningful contributions made by overseas citizens who are not included in the covered classes under the amendment of my colleague from Montana. At a time when the image of the United States is receiving international scrutiny, the work of individuals such as Peace Corps volunteers is critical. The work of all our overseas citizens, whether they serve in the military to protect us back at home or whether they conduct businesses and raise their families overseas, must be honored with an absolute equal opportunity to vote in Federal elections.

We should not take any actions to discourage our civilian overseas voters. We should not treat civilian overseas voters any differently than overseas military or DOD contract voters, and certainly not by erecting an artificial bifurcation barrier between military and civilian votes under UOCAVA.

I appreciate the fact that this amendment recognizes the need to eliminate that bifurcation by requiring DOD to report specifically on expanding the use of electronic voting technology for all voters under UOCAVA. I look forward to that report and will continue to work to ensure that all American citizens living overseas have an equal opportunity to participate in our democracy through the ballot box.

AMENDMENT NO. 4241

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

This amendment would name the National Defense Authorization Act for Fiscal Year 2007 after the chairman of the Committee on Armed Services, our distinguished friend and colleague from Virginia, JOHN WARNER. I am pleased to be joined in this effort by Senators FRIST, LEVIN, INHOFE, KENNEDY, ROBERTS, BYRD, SESSIONS, LIEBERMAN, COLLINS, JACK REED, ENSIGN, AKAKA, TALENT, BILL NELSON, CHAMBLISS, BEN NELSON, GRAHAM, DAYTON, DOLE, BAYH, CORNYN, CLINTON, THUNE, ALLARD, and ALLEN.

I am certain that there is not a Senator in this Chamber who would not agree that Senator WARNER, with his grace, courtliness, bipartisan attitude: and kindness to all, represents the finest traditions of the Senate. All Senators know that the Defense Authorization bill occupies a major place in the annual legislative calendar and takes substantial time to complete. Those Senators who do not have the privilege of serving on the Committee on Armed Services may not realize the tremendous amount of work that goes into hearings, formulation of legislative proposals, preparation for markup, and actual markup of this bill—the largest annually recurring piece of legislation in Congress. When one adds to this the oversight of the largest department in the government, and the processing of thousands of military and civilian nominations each year, the demands on the chairman of the committee and the need for leadership are obvious. For 6 years, JOHN WARNER has provided that leadership, and done it in a manner that has gained him universal respect.

JOHN WARNER is, first and foremost, a Virginian—a native of that Old Dominion that has stood at the center of American history for over two centuries and has given the Nation so many of its eminent men, from Washington forward. JOHN WARNER has continued that tradition of service to country from his youth. The son of a decorated Army physician in World War I, JOHN WARNER left high school to enlist in the Navy late in World War II. He served until 1946, when he was discharged as a petty officer 3rd class. Like millions of other young Americans, he then attended college on the GI bill, graduating from Washington and Lee University in 1949. He then entered the University of Virginia Law School. He interrupted his education to serve in the Korean war, volunteering for active duty and accepting a commission in the Marine Corps. He served in combat as a ground officer in the First Marine Air Wing, and remained in the Marine Corps Reserve for several years. Upon returning from the Korean war, he resumed his legal education, graduating from the University of Virginia Law School in 1953.

Upon graduation, JOHN WARNER's outstanding qualities were recognized when he was selected to serve as the law clerk to the late Judge E. Barrett Prettyman of the U.S. Court of Appeals for the District of Columbia Circuit, one of the most outstanding jurists of the period. Many years later, Senator WARNER would be instrumental in naming the U.S. Court House in Washington, DC, for his old mentor. After his clerkship, JOHN WARNER became an assistant U.S. attorney in the District of Columbia, and later was engaged in the private practice of law.

In 1969, President Nixon nominated JOHN WARNER to serve as Under Secretary of the Navy. The Senate confirmed the nomination, and he served as Under Secretary until he was confirmed and appointed as the 61st Secretary of the Navy in 1972. During his tenure as Secretary, the United States and the Soviet Union signed the Incidents at Sea Executive Agreement, for which he was the principal United States negotiator and signatory. This agreement remains in effect today and has served as a model for similar agreements governing naval vessels and aircraft around the world.

After leaving the Department of the Navy in 1974, JOHN WARNER's next public service was as chairman of the American Revolution Bicentennial Commission. He oversaw the celebration of the Nation's founding, directing the Federal Government's role in a commemoration that embraced all 50 States and over 20 foreign nations.

In 1978, the voters of Virginia elected JOHN WARNER to a full term in the U.S. Senate. Upon beginning his service in 1979, he was elected a member of the Committee on Armed Services. Upon leaving the chairmanship next year, he will have served on the committee for 28 years, almost half of the committee's existence. Senator WARNER served as chairman of the committee from 1999 to 2001, and again since 2003. He also served as ranking member from 1987 to 1993, and again from 2001 to 2003. For 14 years of American history, years that saw the end of the Cold War, the first gulf war, the attacks on September 11, 2001, and the global war on terror, JOHN WARNER has served in a leadership role on the committee.

No Member of this body has done more for our national security than JOHN WARNER. As sailor, Marine officer, Under Secretary, and Secretary of

the Navy, and U.S. Senator, he has always answered his country's call. The dignified and evenhanded way in which he has presided over the business of the committee has enabled it to continue its noble tradition of being an island of bipartisanship in an increasingly unpleasant political era. I submit, Mr. President, that it is exceedingly appropriate that this year's Defense Authorization Act, the last which JOHN WARNER will manage as chairman of the Committee on Armed Services, be named in his honor.

AMENDMENT NO. 4244

Mr. BIDEN. Mr. President, I rise to thank my colleagues for accepting an amendment that I introduced on behalf of myself, Senator BINGAMAN, and Senator CARPER to fully protect the health of our military personnel. The majority of this amendment is the same language the Senate included in last year's Defense Authorization bill clearly establishing the Vaccine Healthcare Centers, or VHCs, role in force protection and treatment. That language was not retained in conference. Instead, a GAO report was mandated. While the GAO report will be helpful in refining the organization and missions of the VHCs, it is important to clearly establish their role today.

The GAO report will not be completed until next year. In addition to the language the Senate passed last year, this amendment includes one additional area for GAO to investigate and a requirement that the Department of Defense examine and plan for its future vaccination needs. Both necessary steps to determining the optimal structure for the centers.

I should also point out to my colleagues that this amendment does not add any funding to the bill. The centers are currently being funded at $6 million a year with global war on terror funds. This amendment does not change that.

Let me explain more thoroughly what the vaccine health care centers do. As our military operates around the globe, they are protected from common illnesses like the flu and from common travel concerns, like yellow fever for sub-Saharan Africa, by vaccinations. In addition, they are vaccinated to protect them from biological warfare agents like anthrax or smallpox.

These force protection measures are critically important, but they only work if military personnel are confident that the vaccines themselves are not dangerous or that the side-effects can be treated.

Vaccines, even those generally considered safe, are still drugs put into the body. For that reason, there are always a small number of personnel whose bodies will have an adverse reaction to a ''safe'' vaccine. In order to deal with this, the Vaccine Healthcare Centers Network was established in 2001.

The centers act as a specialized medical unit and center of excellence that can provide the best possible clinical care to any military member, Active-Duty, Guard, or Reserve, or their family that has a severe reaction. They also advise the Department of Defense regarding vaccine administration policies and educate military health care professionals regarding the safest and best practices for vaccine administration. Their overall mission is to promote vaccine safety and provide expert knowledge to patients and physicians.

Why is this so important? As many of you know, the number of adults who get regular vaccines is fairly small. While we have civilian specialists who deal with childhood vaccinations and problems that might develop, the population of adults regularly vaccinated with anything more than the flu vaccine is small. No civilian expertise exists in this area because the cases are rare and infrequent.

In the military, the reverse is true. Military personnel are regularly vaccinated for travel, for threats relating to their theater of operation, and for things like the flu. Even in the military, though, the cases are rare and spread throughout the force. It is difficult for the average base physician to develop the expertise needed to recognize the problem and to provide the best treatment. In order to effectively develop proper treatments, there must be a centralized center to capture the information on those who experience severe problems.

Here are some specifics:

Last year, 2005, the VHCs managed over 700 cases of adverse reactions to mandatory vaccines.

Each military service made use of the help and care offered by the VHCs—48 percent of their cases were in the Army, 29.6 percent of their cases were in the Air Force, 13 percent of their cases were in the Navy and Marine Corps, and 2.4 percent of their cases were in the Coast Guard.

Since being founded, as part of their ongoing educational effort, the VHCs have developed and distributed over 50,000 immunization took kits to improve vaccinations throughout DOD.

The VHCs are leading the effort to properly characterize and develop treatments for serious reactions to the smallpox vaccine and the anthrax vaccine. In many cases, they collaborate with outside researchers and analysts by providing the large sample population needed to develop case definitions and clinical guidelines.

Since beginning their work in 2001, the VHCs have handled a total of 2,049 cases. Their yearly case load has gone up 83 percent since 2001.

The over 2,000 cases treated demonstrates clearly the need for postvaccination treatment expertise. In all of these cases, base or post doctors did not have the expertise to adequately treat sick personnel. Given that these are mandatory vaccinations, we have an absolute moral obligation to make sure that those made sick by them get the best possible treatment. Much as the military developed a unique expertise in treating those exposed to nuclear radiation, in this new era of proliferating biological threats we must now develop an expertise in postvaccination treatments.

This has all been done by an extremely small staff—only one full-time doctor, three nurse practitioners, and five educators and support staff at each of the four regional facilities. The value and medical services they have provided to the entire military family—Army, Navy, Air Force, Marines, and Coast Guard—has been extraordinary.

Make no mistake, military personnel and their dependents are more confident in the vaccination programs because of the VHCs. When personnel do suffer adverse reactions, reports are extremely positive regarding the care they now get from the centers and we do not see individual cases becoming national news and fear spreading throughout the force.

Why do we need the language I am proposing? The reason is simple. Despite the May 9, 2006, testimony from the Deputy Assistant Secretary of Defense for Force Health Protection and Readiness to the House Committee on Government Reform touting the centers as DOD's answer to adverse anthrax vaccine reactions, the centers are still not clearly established in law and face regular funding battles.

The VHCs were created in minimally worded report language from the fiscal year 2001 Labor-HHS Appropriations conference report. It is time to recognize their role and varied responsibilities with a proper authorization.

In addition, it is time to make sure they have clear and regular funding. For the past 5 years, the VHCs have been funded by the Army alone, primarily with global war on terror funds. I applaud the Army for recognizing the need for the centers and providing those funds from their wartime allocation. But, I am concerned that this is not sustainable and it is not what Congress intended. The Army is only the executive agent for what is supposed to be a defense-wide service. Even though almost half, 45 percent, of those treated by the VHC came from the Air Force, Navy and Marines, and Coast Guard, none of those services is willing to provide their fair share of the yearly $6 million bill. The Army cannot sustain this and the people that would lose are injured military personnel from the other services who will not be able to access expert care.

In recent years, the decision by the other services not to provide a portion of the funding for the centers has led to proposals to eliminate some of their operations. If all or part of the VHC network is dismantled, the technical expertise built up over the past 5 years will be dispersed. It will be almost impossible to reconstitute that highly specialized knowledge when we need it in the future. We cannot just hope that the 708 personnel who sought treatment last year will just get better on their own.

This amendment seeks to clarify that the vaccine health care centers must exist, while also mandating a thorough review of their organization and functions. Next year, when we have the GAO study and the Pentagon's study, Congress can act on any worthwhile recommendations. In the meantime, we cannot leave this vital force protection and treatment center in limbo, nor can we leave the entire burden on the Army.

As biological threats grow from both naturally occurring diseases like bird flu to weaponized agents like anthrax, force protection clearly demands a good vaccination program. Equally clearly, that program must include quality care for those who suffer adverse events in every service, not just the Army.

As we look to the future, the need for vaccinations is only likely to grow. For that very reason, we established Project BioShield. At this point, there is no civilian equivalent to the vaccine health care centers network, but there is an initial collaborative effort between the VHCs and the Centers for Disease Control and Prevention. This collaboration must be encouraged so that we can take advantage of the VHCs knowledge should a mass civilian inoculation become necessary. If the VHCs are dismantled, that knowledge will be lost and may not be easily recovered or recreated.

At the end of the day, this is very simple. We simply cannot mandate that military personnel take these vaccines and then abandon them when a problem arises. There should be no ambiguity about the authority for the vaccine health care centers to continue their excellent work.

If military personnel are injured because of their service to this Nation, whether it be needing a prosthetic limb or long-term treatment for an adverse vaccine reaction, we have an absolute obligation to give them the best possible care.

Anything less is unconscionable.

For that reason, I am thankful that my colleagues have agreed and that this vital amendment has passed the Senate.

AMENDMENT NO. 4466

Mrs. BOXER. Mr. President, I would like to take a few minutes to discuss an amendment that I understand Mr. WARNER and Mr. LEVIN have included in the managers' package.

I would like to begin by thanking Senators WARNER and LEVIN and their staffs for working so hard with us to get this done. I would also like to thank my colleague Senator LIEBERMAN for working diligently with me to draft this legislation.

He really is a true champion for our men and women in uniform.

This amendment addresses an issue that is vitally important to many of my colleagues here in the Senate—improving mental health screening and services for our brave men and women serving in our armed services.

As we all know, our soldiers, marines, airmen, and sailors have been bogged down in an extremely dangerous and increasingly destructive war in Iraq for more than 3 years, and the pressure is taking its toll.

Multiple deployments, the insurgency, and the unprecedented urban combat that many of our service members face is resulting in high levels of mental illness, including PTSD—a disorder that, if left untreated, can cripple a person for life.

Tragically, many of our service members are not being adequately screened and treated for these conditions.

Let me give you an example from last month's Hartford Courant, which ran an extended series of articles detailing the failures of our military health care system.

Nine months ago, 27-year-old SSG Bryce Syverson was on suicide watch and taking antidepressants in the psychiatric unit at Walter Reed Army Medical Center. Doctors had diagnosed him with PTSD and depression, which they attributed to his 15–month tour in Iraq as a gunner on a Bradley tank.

Today, Staff Sergeant Syverson is back in the combat zone as part of a quick reaction force in Kuwait that could be summoned to Iraq at any time.

He got his deployment orders after being told he wasn't fit for duty.

He got his gun back after being told he was too unstable to carry a weapon.

In a recent e-mail to his parents and brothers, Sergeant Syverson wrote: ''Nearly died on a PT test out here on a nice and really mild night because of the medication that I am taking. Head about to explode from the blood swelling inside, the [lightening] storm that happened in my head, the blurred vision, confusion, dizziness and a whole lot more. Not the best feeling in the entire world to have after being here for two days. . . . And I ask myself what . . . am I doing here?''

I ask my colleagues, do this make any sense?

In the Hartford Courant's May 17 piece entitled ''Still Suffering, But Redeployed,'' COL Elspeth Ritchie, a psychiatry consultant to the Army surgeon general, acknowledged that the decision to deploy soldiers with PTSD is a matter that the Army is currently wresting with.

I would like to quote Colonel Ritchie, because I think that something she said is particularly telling: ''historically, we have not wanted to send soldiers or anybody with post-traumatic stress disorder back into what traumatized them. . . . The challenge for us . . . is that the Army has a mission to fight.''

I appreciate that the military—particularly the Army—is facing severe manpower needs, but the fact that we are knowingly sending U.S. service members back into the very situation that caused their trauma is utterly tragic.

Tragic and unacceptable.

The Boxer-Lieberman amendment would do some very important things to address this situation.

First, it would improve mental health screening procedures for those about to be deployed. Currently, the military's pre-deployment mental health assessment is a single question on a form.

The Boxer-Lieberman amendment requires an enhanced mental health screening process prior to deployment that would include: a mental health history of the servicemember; current mental health treatment or use of medications for a mental health disorder; an assessment of any behavior identified by the unit commander that might provided by the member, (through a checklist or other means,) of symptoms that might indicate a mental health condition.

Second, the amendment mandates that soldiers determined to have symptoms of a mental health condition—either before deployment or after deployment—will be referred to a qualified health care professional with experience in the evaluation and diagnosis of mental health conditions.

This is an area where we are really falling short-the Hartford Courant reports that military screeners have arranged mental health evaluations for fewer than one in 300 deploying troops.

Third, the Boxer-Lieberman amendment mandates that any member of the Armed Forces who requests access to mental health care services, before, during, or after deployment to a combat zone, will be given access within 72 hours after making the request or as soon as possible.

Fourth, the amendment directs the Department of Defense to develop clear and consistent guidelines and regulations on what mental health conditions and psychotropic drugs ought to prevent a servicemember from being deployed to a combat zone.

It also requires the Department to develop guidelines for the deployability and treatment of service members diagnosed with severe mental illness or PTSD.

And lastly, it will require the Department to develop a plan to monitor individuals deployed to a combat zone who are known to have a mental health condition or disorder or are known to be taking psychotropic medications.

I think that these are small steps that we can take to ensure that our service members receive a higher standard of mental health services and care.

I hope it will also prevent stories like the one I am about to tell you, again in the Hartford Courant, from happening again.

Patricia Powers of Skiatook, OK wonders why her 20-year-old son Joshua was sent to Iraq barely six months after he enlisted in the Army.

According to Ms. Powers, she ''just couldn't believe'' that the Army took her son in, as her son had Asperger's syndrome—a form of autism.

People with Asperger syndrome tend to be highly intelligent, but they have trouble in social settings and are quite often loners who have difficulty building relationships.

However, Asperger's was not the only neurological issue facing Joshua.

In reading through the medical records of her son's frequent visits to the base doctor, Ms. Powers found that in every instance, the doctor had taken note of Joshua's severe depression.

Three weeks after arriving in Iraq, Pvt. Powers left his barracks around midnight and walked to the latrine, where he ended his life with a gunshot to the head.

In a recent GAG report, the GAG noted that the military has been reluctantto create uniform guidelines for deployment.

In its recommendation, the GAG argued that guidelines are necessary ''so that in future deployments [the Defense Department] would not experience situations such as those that occurred with members being deployed into Iraq who clearly had pre-existing conditions that should have prevented their deployment.''

Situations like Joshua Power's Situations like Bryce Syverson's, where he was forced to ask his family: ''What am I doing here?''

Mr. President, the heroic men and women serving in Iraq and Afghanistan are doing a fantastic job.

In Iraq, they have succeeded in every mission that has been asked of them, even the ones that have changed over time. In Afghanistan, they are relentlessly hunting for the man responsible for the deaths of over 3,000 Americans. But as the death toll continues to rise, so does strain.

Ided today just two examples of soldiers who clearly indicated that deploying them to a combat zone would be a mistake. But we know that there are many more.

What we are asking for in this amendment is simple: that the Pentagon does a better job of dealing with mental health matters for the men and women that it sends into harm's way. I don't think this is too much to ask.

Again, I like to thank Senator WARNER, Senator LEVIN, and Senator LIEBERMAN for their support.

Mr. LIEBERMAN. Mr. President, I rise today to speak about an amendment offered during the debate on the 2007 Defense authorization bill by Senators BOXER, KENNEDY, CLINTON, and myself.

In May of this year, the Hartford Courant published a series of articles describing inadequacies in the military's mental health screening procedures for servicemembers deploying to Iraq and Afghanistan. The Courant's investigation revealed that servicemembers displaying clear signs of distress and mental health problems are being deployed into combat situations and in some cases have taken their life. These cases compromise not only the lives of our servicemembers but the strength and cohesion of our military units.

The Hartford Courant wrote about Jeffrey Henthorn, a young servicemember who took his life. Jeffrey was from Oklahoma and shipped out of Fort Riley, KS, the day after Christmas in 2004. While home, Jeffrey was depressed, was having nightmares, and was plagued by memories of a young boy who had died in Iraq. Less than 2 months after his redeployment to Iraq, Jeffrey took his own life at the age of 25 years. Since then, it has become known that Jeffrey had made suicidal statements that were known to his Army superiors. Despite the clear psychological problems Jeffrey was having before his deployment, he was still sent back to a combat zone where he took his own life. To prevent acts such as this that ruin individual lives and have deleterious effects on a unit, Congress passed the National Defense Authorization Act for Fiscal Year 1998. At that time, the statute required the military to conduct an ''assessment of mental health'' for all deploying troops to prevent young men like Jeffrey Henthorn from being placed in further harm. However, the military's current screening process for deployment consists of a single mental health question on a predeployment questionnaire. The law is not being followed as it was intended.

Alarmingly, the Hartford Courant's investigation found that only 6.5 percent of those indicating mental health problems were referred for mental health evaluations from March 2003 to October 2005. This is unacceptable.

Senator BOXER and I are also concerned about the increase in the numbers of servicemembers being prescribed medication for depression, anxiety, and post-traumatic stress disorderly, PTSD. These individuals are being sent into combat with psychotropic medications but are not systematically receiving any followup or monitoring. We cannot send our servicemembers into combat zones without the medical and mental health support they deserve and need. There is nothing controversial about that.

Another case reported by the Hartford Courant illustrates the dangers of providing medications without followup or monitoring in the field. Michael Deem, father of two, saw a psychiatrist before deploying to help him cope with serious symptoms of depression. He was given a year's supply of Prozac, among other medications. Less than a month after deploying to Iraq, Michael Deem was found dead in his bunk. The Army determined that he died of an enlarged heart ''complicated by elevated levels'' of Prozac. We cannot have servicemembers on medications for serious conditions out in the field with inadequate monitoring, and nonexistent followup. We must do better for those willing to make the ultimate sacrifice for us.

We have also learned that troops with preexisting mental health conditions and serious mental health disorders are being sent into combat zones. This amendment would make sure young men and women who are unable to serve are not sent into combat zones that make their conditions worse or place them and their units in danger.

The Courant series also told the story of a young man from Pennsylvania. Eddie Brabazon had a history of bipolar disorder and spent time in group homes and psychiatric hospitals during his adolescent years. In March of 2004, less than 3 months into his second deployment to the Middle East, Eddie shot himself and took his own life at the age of 20. There were signs before this act that something was terribly wrong. In the days leading up to his suicide, Eddie had locked himself in a portable toilet with his rifle for 45 minutes, causing his sergeant concern. But no one sent Eddie to receive intensive treatment to prevent his suicide or send him away from the combat zone where his condition was worsening. Young men with Eddie's history of mental health problems and exhibiting such clearly communicated signs of distress should not continue to serve in a combat zone.

To protect servicemembers similar to the ones the Courant has written about and their units, Senators BOXER, KENNEDY, CLINTON, and I are introducing this amendment. The military mental health amendment has two purposes. First, it is meant to keep these courageous young men and women out of the way of any further harm. Second, we must make sure that our units have the strongest and healthiest soldiers, and this amendment moves us in the right direction. By deploying servicemembers with serious mental health problems, we are compromising the strength of our military units.

Our amendment will ensure that the military would conduct a thorough screening for determining whether a servicemember has a significant mental health problem before deploying; servicemembers with a significant mental health problem are seen by someone with experience in mental health assessment; access to mental health professionals in a more timely manner; the military identifies preexisting mental health conditions to determine appropriateness for deployment; and the military develops a plan for how to continue to provide mental health services during deployment for any servicemembers receiving mental health services before their deployment.

Senator BOXER and I, along with Senators CLINTON and KENNEDY, introduced this amendment to ensure that servicemembers like Jeffrey Henthorn, Michael Deem, and Eddie Brabazon receive the care they deserve before it is too late. I thank both Senators LEVIN and WARNER for adopting this amendment into the Defense authorization bill for 2007, and I encourage the conferees in both Houses to maintain the

provisions of this amendment to ensure we keep our troops strong and healthy.

AMENDMENT NO.4507

Mrs. BOXER. Mr. President, I would like to take a few minutes of the Senate's time to discuss an amendment that I understand Senator WARNER and Senator LEVIN have included in the managers' package.

This amendment—that I worked on with my colleague Senator SNOWE—would move toward expanding eligibility for the Purple Heart to all prisoners of war who die in captivity regardless of the cause of death.

The need for this important amendment was brought to my attention by a group of Korean War veterans—the Tiger Survivors—who identified what many of my colleagues agree is a glaring loophole in current law.

You may be surprised to learn that currently, only prisoners of war who die during their imprisonment of wounds inflicted by the enemy—such as a gunshot wound or intentional poisoning—clearly meet the criteria for posthumous Purple Heart recognition.

Those who die of starvation, disease, or other causes during captivity do not. I would like to give you an example of what I mean by recounting the story of the crew members who survived the sinking of the USS *Houston*, a Navy cruiser that was sunk by the Japanese off the coast of Java in February 1942.

After swimming to shore, the Japanese transported American POWs to Burma to work as slave labor building the Burma-Thai Railway, which would stretch 250 miles between mountains, across rivers, and through jungles.

These American POWs cut down trees, built road beds and bridges, and laid ties and rails for what is known as the Death Railway.

Conditions for these Americans were appalling. Each man received half a cup of bug-infested rice a day, and some POWs dropped below 80 pounds. Malnutrition brought on diseases like beri beri, pellagra, and scurvy—severe vitamin deficiencies that result in horrible suffering and even death.

The tropical environment also bred cases of dysentery, malaria, cholera, and tropical ulcers that ate through flesh to expose bone.

Although Japanese doctors were present in the camps, they were not allowed any drugs or tools for practicing medicine. Those workers who were too slow were beaten; those who were too sick to work received no food, and were eventually sent off to die.

Under current law, many of these individuals would not be eligible for the Purple Heart.

Doesn't it make sense that our young service members who died in this manner would be recognized as having died at the hands of the enemy?

Doesn't it make sense that the *Houston* crew members who were denied treatment and died of starvation and disease in captivity would be eligible for the Purple Heart?

Language that would correct this injustice was accepted as part of the House version of the Defense authorization bill, where it had the overwhelming bipartisan support of 216 cosponsors.

Equally important, correcting this important loophole in the law has been endorsed by the American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart, the National Association for Uniformed Services, the Military Officers of America Association, the Korean War Veterans Association, National League of POW-MIA Families, Tiger Survivors, and a number of other prominent veterans organizations.

I can think of no stronger endorsement than from these fine groups who know first-hand the suffering of war.

I would like to tell you one more story by a World War II soldier by the name of John Coleman. This is his story as recounted in his book, Bataan and Beyond:

> The treatment of the death march and imprisonment . . . is beyond the imagination's ability to comprehend. If there ever was a hell on earth, this was administered to the 7,000 souls of some of the bravest and most devoted of our military personnel. Day after day they were in agony, seemingly blotted out in memory by their nation. They suffered under the burning tropical sun, on starvation rations, with little water to drink. They could not even wash the filth from their bodies or clothes, matted hair, and beards. They were mentally depressed, had swollen limbs from beri beri, unhealed festered wounds that were never treated. They also had distended stomachs, bloody dysentery, and raw, sore mouths from pellagra. Even a drink of water would cause their mouths to burn. Everyone had stomach worms that would sometimes find their way out of the body through the nose. No attempt was made by the Imperial Japanese Army to furnish any kind of medication to alleviate the suffering.

Unimaginable. Simply unimaginable.

Mr. President, these brave members of the Armed Forces suffered these cruelties so that we might enjoy the freedoms we have today. I can think of no more fitting tribute for their sacrifice than to posthumously make them eligible for the Purple Heart.

While the amendment that I originally offered would have provided congressional authorization expanding eligibility for the Purple Heart, I worked with Senators WARNER and LEVIN on compromise language that would require the President to determine whether eligibility for the Purple Heart should be expanded to all POW's who died in captivity.

I sincerely hope the President will take a serious look at this proposal, and ensure that our POWs are afforded the recognition they deserve.

AMENDMENT NO. 4371

Mr. OBAMA. Mr. President, I rise to speak in favor of amendment No. 4371, which is being offered today by my friend, Senator COBURN. Senator COBURN and I have been working tirelessly to improve accountability and transparency in Federal contracting so that the American people can rely on their Government for the excellence and efficiency that they deserve.

Award and incentive fees are often used in defense contracts to encourage outstanding performance. But too often these awards are given without regard to performance. That doesn't make sense. This amendment prohibits unsatisfactory performance from being rewarded by the Federal Government. It sets a higher standard for defense contractors and requires them at least to satisfy the basic requirements of a contract in order to be eligible for any award or incentive fee.

It is a simple concept. No bonus awards when the work is unsatisfactory. Period. You don't tip a waiter who doesn't bring you your food. You don't give a bonus to an employee who doesn't do his or her job at work. The Government should not permit awards for work that is less than satisfactory. Awards should be used as an incentive for excellence, not as a backdoor for undeserved payments.

The authorization bill makes some progress by requiring the Secretary of Defense to provide needed guidance on the use of awards and incentive fees. It requires guidance that award fees be tied to performance outcomes. It requires guidance on designating contractor performance as ''excellent,'' or ''superior.'' It requires standards for when performance awards are appropriate.

This amendment just makes it clear that unsatisfactory work should never be eligible for an award. Contractors can and must be held to a higher standard. Our troops deserve no less. American taxpayers deserve no less. Americans should reward excellence, not mediocrity; success, not failure; contract fulfillment, and nothing less.

I urge my colleagues to support this amendment.

AMENDMENT NO. 4496

Mrs. HUTCHISON. Mr. President, the National Biocontainment Lab, NBL, at the University of Texas Medical Branch, UTMB, in Galveston is an important tool in our continued fight against bioterrorism and emerging infectious diseases. As a Regional Center of Excellence for Biodefense and Emerging Infectious Diseases Research, RCE, for Federal Region VI, UTMB's lab is able to research and develop new therapies, vaccines, and tests for microbes that might be used as weapons by terrorists, as well as naturally occurring diseases such as SARS and West Nile virus.

I was happy to support UTMB in 2003 in their efforts to establish the NBL in Galveston. In letters and conversations with Dr. Anthony Fauci, director of the National Institutes of Allergy and Infectious Diseases, and Dr. Elias Zerhouni, director of National Institutes of Health, I conveyed the importance of this facility and the benefits to housing the NBL at UTMB.

Once again, I am pleased to support the NBL and UTMB with this amendment. By understanding the staffing

and training requirements needed at this new facility, our doctors and scientists will be better prepared and more able to recognize a bioterrorist attack.

AMENDMENT NO. 4222

Mr. BINGAMAN. Mr. President, today marks the anniversary of the passage of a sense-of-the-Senate resolution on climate change. One year ago the Senate convened to debate the appropriate policy direction for the United States on this issue.

The Senate debate on climate change included discussions on various proposals from Senators HAGEL and PRYOR, as well as Senators MCCAIN and LIEBERMAN and others. Although I had worked very closely with Senator DOMENICI on a specific policy proposal of our own, we were not able in the time allotted to find agreement on various aspects of that proposal. We ultimately decided that we should put the question to the Senate of whether or not our efforts should continue over the remainder of the 109th Congress.

I am pleased to say that passage of the sense-of-the-Senate resolution gave us the foundation to continue our collaboration. Over the course of the last year, I have worked with Chairman DOMENICI and others to explore the basic workings of a mandatory market-based system to limit greenhouse gases. We have held hearings in the Energy Committee, participated in workshops and conferences, and engaged interested stakeholders through a White Paper process that culminated in an important day-long conference in April.

Other Members of this body have been actively engaged in the continuing conversation, such as Senators CARPER, FEINSTEIN, LUGAR, and BIDEN just to name a few, but it is important for us to recognize how much faster this issue is progressing outside of Washington, DC.

The European Union Emissions Trading Scheme is in its second year of existence. There has been some debate about how the program is progressing, but there is no debate about the fact that they are moving forward and addressing global warming in a groundbreaking manner. Here in the United States, my colleagues from California and the Northeastern States are intimately aware of State initiatives to address global warming. My own State of New Mexico has been a leader in reducing emissions as well.

Most importantly, I think we need to recognize how much we have learned in the past year about the science of climate change. Last year, the National Academies of Science from 11 countries, including the United States, declared that ''scientific understanding of climate change is now sufficiently clear to justify nations taking prompt action.'' According to NASA scientists, 2005 was the warmest year since the late 1800s. 1998, 2002, 2003, and 2004 followed as the next four warmest years.

With regard to the impacts of global warming, a recent study shows that we are on track to initiate the melting of the Greenland ice sheet, which will contribute to continued sea-level rise and will also have major impacts on oceanic circulation from freshwater influx. Even small amounts of sea-level rise will have substantial impacts on coastal erosion, increased susceptibility to storm surges and groundwater contamination by salt intrusion. The effect on many of the world's coastal areas and population centers could be devastating.

We are also in the early stages of hurricane season. I have not yet seen any studies that would indicate global warming will create more hurricanes, but I have seen two recent studies that conclude that the warming we are seeing in the world's oceans is caused by human-induced climate change. In addition, there are more studies that have recently concluded that the intensity of individual hurricanes has increased, which in part is attributed to the warming of the oceans.

In conclusion, I believe that this is evidence that we need to act now. Since the sense-of-the-Senate resolution passed last year, the U.S. has emitted roughly 6 billion metric tons of carbon dioxide. EIA forecasts continued steady emissions growth at a rate that, if not slowed and ultimately stopped and reversed, will make it increasingly difficult to avoid dangerous climate impacts.

I want to thank Senators DOMENICI and SPECTER, along with all of the cosponsors of the sense-of-the-Senate Resolution and everyone who supported it. We have learned a great deal over the course of the last year, and I would like to continue the progress. I would like to urge all of my colleagues who are interested in this issue to work with us to find a solution we can implement sooner, rather than later.

I would like the references to some of the studies I have mentioned printed in the RECORD so that others can review them as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Alley, R.B., P.U. Clark, P. Huybrechts, and I. Joughin. 2005. Ice sheet and sea-level changes. Science 310: 456–460.

Barnett, T.P., D.W. Pierce, K.M. AchutaRao, P.J. Gleckler, B.D. Santer, J.M. Gregory, and W.M. Washington. 2005. Penetration of human-induced warming into the world's oceans. Science 309:284–287.

Emanuel, K. 2005. Increasing destructiveness of tropical cyclones over the past 30 years. Nature 436:686–688.

Gregory, JM, P Huybrechts & SCB Raper. 2004. Threatened loss of the Greenland ice-sheet. Nature 428: 616.

Heij, 2005. and Gregory, J.M., and P. Huybrechts, 2006. Ice-sheet contributions to future sea-level change. Phil. Trans. Roy. Soc. Lond. Ser. A, in press.

Hansen, J., L. Nazarenko, R. Ruedy, M. Sato, J. Willis, A. Del Genio, D. Koch, A. Lacis, K. Lo, S. Menon, T. Novakov, J. Perlwitz, G. Russell, G.A. Schmidt, and N. Tausnev. 2005. Earth's energy imbalance: Confirmation and implications. Science 308:1431–143.

Knutson T.R. and R.E. Tuleya. 2004. Impact of CO2-induced warming on simulated hurricane intensity and precipitation: Sensitivity to the choice of climate model and convective parameterization. Journal of Climate 17: 3477–3495.

Levitus, S., J. Antonov, and T. Boyer. 2005. Warming of the world ocean, 1955–2003. Geophysical Research Letters. 32.

Sriver, R. and M. Huber. 2006. Low frequency variability in globally integrated tropical cyclone power dissipation. Geophysical Research Letters 33: doi:10.1029/2006GL026167.

Trenberth, K. 2005. Uncertainty in Hurricanes and Global Warming. Science 308: 1753–1754.

U.S. National Aeronautics and Space Administration (NASA). 2005. Global Temperature Trends: 2005 Summation. NASA Goddard Institute for Space Studies (GISS). New York, NY. Available at http://data.giss.nasa.gov/gistemp/2005/.

Webster, P.J., Holland, G.J., Curry, J.A. and H.-R. Chang. 2005. Changes in tropical cyclone number, duration, and intensity in a warming environment. Science 309: 1844–1846.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the amendments have been cleared on this side. It is a packet of 60 amendments, as I understand. I thank our staffs for working so hard on these amendments. There is a lot of interest in them by a lot of Members. We owe thanks to the staff for their great work. I have not only no objection but enthusiastically join in moving their adoption. I gather they have been agreed to by unanimous consent.

Mr. WARNER. I thank my distinguished colleague for his remarks.

If I might draw to the attention of my distinguished colleague, we have been consulting with our respective leadership and their staffs. We have a joint goal of trying to complete this bill today and have third reading and final passage. The bill is now open for amendment. We have some knowledge of some amendments that may be offered. We would urge those who wish to offer amendments, recognizing cloture has been agreed to by the Chamber, nevertheless within the confines of that cloture, we are ready to have the opportunity to consider further amendments.

I believe I am about to put in the first quorum call for the purpose solely that we have no amendments at the moment pending. That is the first time in the consideration of this bill, I believe.

Mr. LEVIN. I commend the chairman for the way in which he has been able to manage this bill, as always. It is a testament to his ability and the respect that everybody has for him in the Chamber. I have never seen fewer quorum calls on a bill of this size than we have had this week. I am sure there have been a few. I have not counted them. There may have been a quorum call yesterday during the 8 or 9 hours of debate. If there was, I missed it.

I commend the chairman for putting us in a position where we can hopefully get this bill agreed to as soon as possible today. Again, I join him in not urging people to bring amendments to

the floor—we never do that—but in notifying people that if they have amendments, they should bring them to the floor.

Mr. WARNER. I thank my colleague who has worked side by side with me these 28 years on these matters. When I look back on my modest career in the Senate, I can't think of any other Senator with whom I have had a better relationship and a more trusting one, although we do disagree on occasion.

Mr. LEVIN. There is recent evidence of that. But we agree on process. We agree on civility. We agree on most matters. We are able to work things out. It is his nature to do that, and we are all very much in his debt. Our wives are on the same path that we have been on.

Mr. WARNER. That is right. Who quoted Edward R. Murrow, something about the strength of our Nation depends on the diversity of thinking and expression?

Mr. LEVIN. Well, it was quoted this morning. It didn't carry the day, but it was very appropriate.

Mr. WARNER. I thank my colleague. I do believe those two amendments on which we spent so much time were carefully and fully debated. I accept with a sense of humility the outcome, that we were able to prevail on this side of the aisle. However I underline that I do that with a sense of deep humility.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 4471, AS MODIFIED

Mr. SESSIONS. Mr. President, I ask unanimous consent to call up my amendment No. 4471 and ask that it be modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

Mr. SESSIONS. I further ask unanimous consent that Senators ALLARD, KYL, THUNE, and VITTER be added as cosponsors.

Mr. LEVIN. Mr. President, reserving the right to object, there is a little uncertainty as to the modifications.

Mr. SESSIONS. I don't think the Senator will find that objectionable. It dealt with funding allocations, the offsets.

Mr. LEVIN. Is the one at the desk the modified version?

Mr. SESSIONS. Yes.

Mr. LEVIN. If the Senator will please withhold for a moment.

Mr. SESSIONS. I will be pleased to.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The Senator from Alabama [Mr. SESSIONS], for himself, Mr. ALLARD, Mr. KYL, Mr. THUNE, and Mr. VITTER, proposes an amendment numbered 4471, as modified.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle C of title II, add the following:

SEC. 236. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) ADDITIONAL AMOUNT FOR MISSILE DEFENSE AGENCY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount that is available for the Missile Defense Agency is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, as increased by subsection (a), $45,000,000 may be available for Ballistic Missile Defense Midcourse Defense Segment (PE #63882C)—

(1) to accelerate the ability to conduct concurrent test and missile defense operations; and

(2) to increase the pace of realistic flight testing of the ground-based midcourse defense system.

(c) SUPPLEMENT.—Amounts available under subsection (b) for the program element referred to in that subsection are in addition to any other amounts available in this Act for that program element.

(d) OFFSET.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by $45,000,000 due to unexpended obligations.

Mr. SESSIONS. Mr. President, recent concerns over a long-range ballistic missile launch or possible launch toward the United States by North Korea is an event that many experts have predicted and an event of serious import for the world.

President Bush, in December of 2002, directed the Department of Defense to begin fielding a missile defense system to protect the United States. There were many concerns expressed at that time, but Congress followed his orders and has moved forward. Today, we have nine GBIs—ground-based interceptors—in Alaska in silos in the ground, and two in California that are able to be launched to attack and destroy incoming missiles. The system and those missiles that we have are not complete nor fully perfected, but the Commander of Strategic Command, General Cartwright, says it does have capability to defend our Nation.

So I would first like to give my thanks to President Bush and to the Department of Defense for moving on this issue some time ago.

I would also like to express my appreciation for a bipartisan effort that was begun not long after I came to the Senate by Senator THAD COCHRAN and Senator JOE LIEBERMAN and the legislation they passed that called on this Government to deploy a ground-based missile defense system as soon as feasible. That was a major step forward. Following that, President Bush's actions in 2002 have moved us farther forward.

These missiles that we have in the ground are able to be launched, they are able to attack and destroy incoming systems. So it is a remarkable thing that has been accomplished. Many doubted it. We have a lot more testing to do to deal with decoys and other matters to make sure the entire system works in an harmonious and effective way, from the ground-based radar, sea-based radar, to launch sites and our intercept capabilities and all of the computer systems that are necessary to make these missiles move at incredible speeds to collide in the air with such great force that they basically vaporize without any explosives being involved. So I think, Mr. President, it is an important event in our lifetime as a nation to note that this defense shield is now being employed.

I also was pleased that our Democratic leader a few days ago noted that: ''We live in a dangerous time and the threats to our Nation are many.'' He said, ''They range from terrorist attacks like those on 9/11 to rogue nations with nuclear ambitions like North Korea and Iran.'' He went on to note the: ''Headlines about North Korea's new missile test.'' He discussed that and noted: ''It is important that we as a country address each of these threats.''

Mr. President, I suggest, based upon the events of the past few weeks, that the debate over the need for missile defense is no longer an academic one, but it is a debate that must now take place in the reality of current events.

As we convene today, North Korea may perhaps still be preparing to test launch its Taepo-Dong II long-range ballistic missile. According to U.S. intelligence agencies, this missile has the potential to reach the shores of the United States, given its purported maximum range of 9,000 miles, far enough to hit the west coast of the U.S. mainland and all of the Pacific bases, according to an article in the Washington Post earlier this week.

The leaders of South Korea, Australia, New Zealand, China, Japan, and the United States are warning, as Secretary of State Rice did Monday, that, as she said, ''The launch of a ballistic missile would be a provocative act that would deepen North Korea's isolation.'' She urged the North Koreans not to end their moratorium on long-range missile testing. Japan's warning was even stronger. Japanese Prime Minister Koizumi said that Japan ''would have to respond harshly'' if there were a missile attack.

North Korea also fields some 200 medium-range No-Dong ballistic missiles that can reach Japan, and it deploys some 600 short-range ballistic missiles that could reach throughout the Korean Peninsula, where we have some 30,000-plus troops.

Likewise, on the other side of the world, Iran continues to enhance and

test its SHAHAB–3 medium-range ballistic missile to extend its range and effectiveness. U.S. intelligence agencies estimate that Iran could have an ICBM capable of reaching the United States before 2015 with continued foreign assistance.

According to press reports, Israeli intelligence noted in April of 2006 that Iran received a shipment of North Korean-made BM–25 ballistic missiles which have a range of 2,500 kilometers.

This activity was noted by the Prime Minister of Israel, who stated in a press conference with President Bush on May 23 that:

> There is a major threat posed by the Iranians in their attempts to have nonconventional capabilities and the ballistic missiles that can hit major centers all across Europe, not just the Middle East.

These are real, not hypothetical, threats to the United States and its allies posed by these ballistic missiles.

These missiles are threats that require a multifaceted response, not the least of which is by means of an effective ballistic missile defense system.

I would imagine that over the past 5 weeks, the Department of Defense has been carefully watching the arrival and fueling of Taepo-Dong missiles at its launch pad on the eastern coast of North Korea. And I would suspect that our missile defense capabilities have been carefully integrated into our diplomatic and deterrent options for dealing with the situation—a situation that Secretary Rice said is an ''abrogation of obligations'' of North Korea, a path not of compromise or peace ''but rather instead to once again saber-rattle.''

So our Secretary of State has called the situation correctly. The Nation and Congress should heed her words.

While I have no direct knowledge of any administration plans beyond what is being said in the press, I would hope that our U.S. Navy ships, which are capable of tracking and potentially intercepting ballistic missiles, have been deployed in the area. I saw this part of our fleet last year when I was in Pearl Harbor right after they conducted a series of successful intercept tests in the Pacific.

I would also hope that the ground-based midcourse defense system, with missiles deployed in both Alaska and California to provide protections against long-range missile attack, has been activated in case it is needed. To be sure, these systems are still undergoing testing. They have been designed to be available in an emergency, and I would think an imminent Taepo-Dong launch falls into that category.

At the very least, such a capability would add to the options available to our President. In a radio interview last week, Ambassador Vershbow, the top U.S. envoy in South Korea, commented on a potential North Korean launch saying, ''Since it would be clearly a provocative step vis-a-vis the region and international community, we should not simply let it pass without some response.''

I don't know what response the Ambassador had in mind, but certainly the ability to intercept that missile before it struck a populated area would be high on my list.

My main point to my colleagues on both sides of the aisle and in both Houses of Congress, Mr. President, is that missile defenses must now be considered an integral and important tool of U.S. diplomacy and national security policy.

This is all the more reason to support the administration's efforts to develop test and field effective missile defenses against missiles of all ranges. So I am pleased to report that the Defense authorization bill reported out of the Armed Services Committee fully funds the President's request for missile defense to include $56 million for site survey and design work associated with the European defense missile defense site.

The European missile defense site, scheduled to begin construction in 2008 with full fielding expected in 2011, will allow 10 ground-based interceptors capable of protecting both the United States and much of Europe against a long-range missile fired by Iran.

If you look at the globe carefully, you could indicate a long-range missile launched towards the United States from Iran would fly over northeastern Europe. That would be an excellent site to protect both the United States as well as protecting Europe.

Congressional support for this activity is timely for our defense and to support Western diplomatic efforts aimed at halting Iran's acquisition of a nuclear weapon capability.

Should diplomacy fail, a European missile defense site will be critical to defer Iranian ballistic missile threats aimed at attacking or intimidating the West.

Our NATO allies recognize the threat posed by the proliferation of ballistic missiles. In 2010, the alliance expects to have the capability to protect deployed troops against short- and medium-range missiles. The alliance is now reviewing the results of a 4-year feasibility study that examines options for protecting alliance territory—that is the North Atlantic Treaty Organization alliance—and population against a full range of missile threats.

Congressional commitment to a U.S. missile defense site in Europe at this time would be a significant factor in shaping NATO's decision to provide missile defense protection in Europe. Our commanders tell us that. They tell us it is very important.

I realize some of our colleagues are concerned that funding a European site would be premature at this time. They suggest a slow fielding program until more extensive tests and evaluations have been completed. While I appreciate that concern, I do believe that current Missile Defense Agency approach of simultaneously fielding and testing a GMD system has proven to be wise, as we see the threats to our Nation increase in just recent days.

The Commander of the U.S. Strategic Command has testified that the current missile system provides a thin line of defense that could be used. The independent Pentagon Director of Operational Tests and Evaluation stated on April 4 of this year:

> With the current program and the tests that have been scheduled, it's very likely that the GMD system will demonstrate that it is effective.

The things that are needed to turn this thin line of defense into a robust defense system are more interceptors coupled with more flight testing, both of which are programmed by the missile defense agency and funded by our bill.

While we have crafted a good funding stream in our committee—and I thank my colleague, Senator BILL NELSON of Florida, and others, for the bipartisan way he worked on this—we have worked hard at containing costs and keeping the costs under control.

The possible launch of a long-range North Korean missile that could even reach the United States of America calls for us to evaluate this year's authorization to ensure that all necessary funding exists to move forward with deployment as well as testing, and to be sure that throughout that time we are ready. General Trey Obering, who directs the program, understands these challenges.

My review of this authorization has convinced me that an additional appropriation of $45 million is critically important in allowing us to, in the words of our amendment:

> accelerate the ability to conduct concurrent tests and missile defense operations [and] to increase the pace of realistic flight tests.

The funds that I am talking about and the projects that I am talking about are already in the 2008 budget. This would allow them to move forward to the 2007 budget.

The amendment for which I am seeking support today will help ensure that we can continue testing and always remain ready; not have to have the readiness of our system degraded by testing that we need to be doing. This is necessary so that we can respond to any possible missile launch that may threaten our Nation.

The key matter is that we test and we test regularly. But we cannot shut down the readiness of our system that could have the capability to knock down incoming missiles that could be aimed at us.

Congressional support for this amendment, I think, will send a strong message to any nation, North Korea or Iran, that we will be constantly, 24/7, ready to respond and knock down and destroy any missile that would be directed at our Nation. It will also reassure our allies that we will be ready to protect them and help us create the kind of umbrella of defense that we have dreamed of for many years and accelerate our ability to make that a reality.

I thank my colleagues. I thank those who indicated they would accept this

amendment. I think it is a good step forward.

It is great to see my colleague, Senator ALLARD, here. He used to chair the subcommittee that I have now, the Strategic Subcommittee. He has been a long-time champion of national missile defense.

I say to Senator LEVIN, he is due to be recognized next, but I know Senator ALLARD is here also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we do accept the amendment on this side. There are no differences in terms of the North Korean threat. The question is whether or not we will be deploying a system which will be adequate to meet that threat. Right now we do not know. There has been no operational testing, realistic testing of our system. It needs testing.

Although we have differences and have expressed those and argued over those differences as to whether we ought to be producing 10 more missiles which have not been tested operationally or realistically—whether we ought to be buying these final 10 missiles given the fact we want to make sure if we are going to have a system that it works, and we don't know that yet—as far as this Senator is concerned, I very much disagreed with this approach of buying before we fly. Usually we fly and test before we buy, but this system, we have decided, at least the majority of Senators have decided, that we are going to buy before we test. I think that is a mistake, but that is not the issue on this amendment.

This amendment would authorize $45 million, mainly for testing, mainly to improve the likelihood that a missile which has been deployed will in fact do the job. Since I have been one who has been arguing regularly for more testing, more realistic testing, more operational testing, it seems to me that I can very readily support funding which is going to go to more testing, which is really what this amendment is all about.

We have not had a single successful intercept test with an operational system. There have been two failures with this operational system. We don't know if our system would work. We obviously want it to work if we are going to have it.

Since this amendment basically is going to increase not only the pace of realistic flight testing of this ground-based, mid-course defense system but also is going to accelerate the ability to conduct concurrent testing while the missile defense operations are going on, since in both instances the focus is on testing and making sure that this system will work if ever called upon, I accept the amendment. I have no objection to it and, indeed, support its purpose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to speak in support of the amendment offered by my good friend, Senator JEFF SESSIONS of Alabama, who has worked hard on this issue. I know he is a strong, dedicated Senator as far as making sure that we have a good, strong national defense, which is important in today's times.

There is no doubt that this has been an unusual approach where we develop and purchase at the same time. But these are unusual times. We have had an emerging threat that, according to many of our defense experts, is real. We had to move forward at an unprecedented rapid pace.

Over the last 2 weeks, the North Koreans have moved toward the brink and have been preparing to test fire a long-range ballistic missile capable of reaching the United States. We were in the same position in 1998. Then all we could do is threaten to retaliate if North Korea launched a ballistic missile attack against us. We did not have a system that was capable of defending our country from attack.

Today the situation is different. Acting upon the direction of Congress, which mandated in 1999 that our country deploy a missile defense system as quickly as technologically possible, the Department of Defense has developed and deployed a missile defense system that is capable of defending our Nation against limited ballistic missiles.

Given the real-world ballistic threats, such as North Korea, the Department of Defense has pursued a strategy of concurrent tests and operations. The Department recognizes that our current missile defense system does not have sufficient capability and needs more testing. That is why the Department continues to test the system and add new capabilities.

At the same time, it is clear that situations such as the ongoing North Korean threat require that our missile defenses be ready in case of a ballistic missile attack. Leaving our Nation defenseless to ballistic missile attack while such situations persist is folly in the extreme. We currently have 11 ground-based interceptors deployed and operational. We have also upgraded our early warning radars, improved our Aegis tracking radars, built new forward-based and sea-based radars, and created an integrated command-and-control battle management system.

These are significant achievements that together provide our country with a limited ballistic missile defense. Yet, as we all know, our missile defense still needs more work. It has a limited capability, which is certainly better than having none at all, but we need to do more—particularly with regard to testing.

The amendment offered by Senator SESSIONS puts us on the right track. The Missile Defense Agency needs to test its ballistic missile defense system more often and under more complicated conditions. This amendment, offered by Senator SESSIONS, will help in that effort.

The amendment will also help pay for the unexpected costs of operating the missile defense system 24 hours a day over the last couple of weeks. Soldiers who man the system in Colorado and Alaska have performed exceptionally well, and there is cost for keeping the system on full-time alert status. This amendment helps address this cost.

This body mandated that the Department of Defense deploy a missile defense system as quickly as technologically possible. I supported this mandate and believe that our current missile defense system can provide a limited defense against a ballistic missile attack. It still needs work, which is why this amendment is so important and necessary.

I do support the Sessions amendment and urge my colleagues to do so as well. I am pleased to hear that the ranking member on the Armed Services Committee has agreed to support this amendment.

I thank, again, Senator SESSIONS, for his leadership on this very important issue. I think this is a valuable system, and we need to be very sure that we do not get behind in this kind of technology.

Mr. President, I yield the floor and thank the Members for their support.

Mr. WARNER. Mr. President, I rise to speak on behalf of the amendment sponsored by the Senator from Alabama, concerning the need to add an additional $45 million to the Missile Defense Agency for testing and operations of the ground-based midcourse defense, GMD, system.

In December of 2002, the President directed the Department of Defense to begin fielding an initial set of missile defense capabilities that included ground-based interceptors for the defense of the United States against the long-range ballistic missile threat. Given our total vulnerability to that threat, the Missile Defense Agency chose to begin the simultaneous fielding of missile defense interceptors even while developmental testing continued to validate the effectiveness of the system. While this is not a conventional acquisition approach, I believe it was prudent given the emerging ballistic missile threats we expected to face.

Recent North Korean preparations for the test launch of a long-range ballistic missile confirm the wisdom of the administration's approach: we need to have an emergency missile defense capability in place, even while development and testing of the system continues.

Moreover, I believe Iran's continuing development of longer range ballistic missiles, coupled with their intention to acquire nuclear weapons, also argues for fielding missile defense capabilities as soon as technically feasible and in numbers sufficient to stay ahead of the threat.

Just last month, from the floor of the Senate, I spoke to my colleagues about how NATO might respond to the greatest threat to regional and global stability that we face today: Iran. I noted

that I support the principle of preserving as many options as possible in diplomacy, and to bolster those diplomatic options, NATO should consider erecting a ''ring of deterrence'' that would surround Iran to deter the use of actual force, as was done so successfully during the cold war.

I believe that a ground-based interceptor site in Europe, as is being proposed by the Department of Defense, would contribute to this deterrence of Iranian—or any other—missile threats, and would be consistent with NATO activities already underway to provide missile defense capabilities for the Alliance in the next decade. Most important, a missile defense site in Europe would send a message to nations developing longer-range missiles that the United States and its allies will not be intimidated by the threat of ballistic missiles armed with weapons of mass destruction.

The amendment before us now recognizes the accomplishments of the Department of Defense in fielding, in such a short time, a limited missile defense system that is now available in an emergency to provide a measure of protection for the American people against a long-range missile threat—such as the missile that now sits on a North Korean launch pad.

One of the limitations of the current GMD system, however, is that it is difficult to maintain the system on alert while it is undergoing the testing necessary to further improve its capability and reliability. To address this limitation, the Missile Defense Agency plans to create the infrastructure and redundant communications links necessary to permit the system to remain on alert even while test events are underway. This amendment helps advance these plans so that we are better prepared to address the threat posed by the development of a North Korean intercontinental ballistic missile.

In closing, I would note that in my many years here in the Senate, I have been privileged to participate in many a debate over missile defense. We have examined this issue from every conceivable angle—cost, technology, policy, strategy, and diplomacy—and the debate always appeared to me to be somewhat theoretical, since we lacked actual missile defense capabilities.

But today this is no longer the case. The United States now has a limited capability to defend its territory, deployed forces, and its allies against missiles of all ranges. It is a limited capability, to be sure, but one that now provides the President and his senior officials with additional options that can reinforce diplomacy and deterrence or, as a last resort, protect against the growing ballistic missile threat.

Mr. KYL. Mr. President, I, too, rise in support of this amendment of the Senator from Alabama, Mr. SESSIONS. It is a modest increase in funding. But as the ranking member of the Armed Services Committee said, it will enable us to accelerate the pace of testing, which I think we are all supportive of. And as a result, I think it is a good amendment. I appreciate the support of both the minority and the majority. Because of that, I will not take a long time to detail the reasons why I think it is so important.

Suffice it to say, with the recent news of the preparations of the North Koreans and our knowledge that they have been very closely connected to the development of weapon capabilities, in particular the missile capabilities of the Iranians, and given the fact that both of those countries have not only become increasingly capable but increasingly belligerent in recent months and years, it is very obvious that we have to move forward and accelerate our testing and development and our deployment of the missile interception system with all the speed we can muster.

It is a program that we are developing as we go along, and we are learning a lot in the process. Our most recent tests have been successful. We can build on those successes.

I am delighted that the missile defense system is receiving the kind of support that it needs to receive so that in the years to come, when the American people look back on this and realize that they are protected from a missile attack, they can say it was during these years when that threat was evolving and developing that we had the fortitude to put the money in the program for development and testing that would enable us to protect the American people.

I remember back, right after 9/11, when the intelligence communities were criticized for not connecting the dots. Now the dots on the missile fronts are pretty clear. We are beginning to get big red circles coming at us with both North Korea and Iran, and others are on the way as well. It is during this period of time, before they become completely capable then, we have to develop our interceptor capabilities with our ground-based missile systems and the follow-on systems which we are working on as well.

I applaud the efforts of my colleague from Alabama and his foresight for proposing this modest increase.

I appreciate the support of the ranking minority member on the committee, and I urge my colleagues to support the amendment.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for his comments, and in particular I want to express my appreciation to him for his steadfast leadership to ensure that this Nation has a ballistic missile defense.

He was active in this long before 9/11. Ever since he has been in the Senate, this has been a long passion of his. I am delighted that he could be here today to share some thoughts about it.

The system is not yet where we want it to be. But it has been proved. We have demonstrated hit-to-kill technology on two occasions. Now we have this entire system in place where we have ship-based radar, ground-based radar, our missile satellite system, and the computers are tied all together.

I ask my colleague, Senator KYL, a Member of the leadership in this Senate, if he remembers those debates in the late the 1990s—I guess it was when the Cochran-Lieberman bill passed to deploy this system. Maybe he could share some of his thoughts. He must feel some satisfaction to know that we now have a system in place that can give us at least some protection from a missile attack.

Mr. KYL. Mr. President, I will respond quickly to make this point. A lot of folks over the years asked, Why has it taken us so long? It is a good question. There are several different answers to it.

First of all, this is hard. It is hard to hit a bullet with a bullet. It has taken a lot of time and effort by very smart people.

I am glad we were there at the beginning, providing them the resources they needed to conduct these kinds of tests and demonstrate that we could really intercept an intercontinental ballistic missile, which is the equivalent of hitting a bullet with a bullet.

There were years in which there was opposition to the missile defense system, in which funding was cut from the program. That crippled the program and slowed it down. There were times when we were ready to deploy something and then opponents said we don't want to deploy yet, we want to do some more testing. As a result, every time we seemed to be ready to put up something, we were pulled back—all the way back to the early 1980s when Ronald Reagan started talking about this. You have to scratch your head and wonder why it has taken us this long to get to this point.

I think the most important thing, as the Senator from Alabama pointed out, is we are now making tremendous progress. We have a system deployed. It is better with every subsequent test, and as time goes on, the American people can at least begin to feel a little bit more secure. We are not there yet, as everybody has pointed out. But we are making great progress.

Because we worked hard during some of those lean years to keep the funding going and keep the progress going forward, we are at the stage we are today.

I thank both Members of the minority and majority for their support for the program this year.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator DODD be added as a cosponsor to the Levin-Reed Iraq amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, if I might first thank my colleague from Oklahoma. A few people around here will say they are going to be here at a certain time and show up at a certain time. The Senator was committed to come here at a certain time, and I thank him.

Mr. COBURN. Mr. President, I thank the Senator.

I want to spend a few minutes, first of all, praising the chairman and ranking member of this committee. It is important, I think, that we see the relationships that develop, as well as the standards that have been developed on this bill, the fact that Chairman WARNER was here very late last night, the fact that we are moving forward in an expeditious way.

I have several areas and several amendments I am going to call up. I will try to be cooperative as to whether we have votes. But I think the issues are important enough that the American people ought to hear the debate about them.

I am not under any illusion that will necessarily win some of them. But I think we need to pay attention to them and the debate needs to be a part of the RECORD.

With that, I call up amendment No. 4454 and ask unanimous consent to modify it with the language of 4491, which I have here in my hand.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. WARNER. Mr. President, is it possible for the managers to look at this for a moment before it is sent up? I think it would help facilitate matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4491, AS MODIFIED

Mr. COBURN. Mr. President, I call up amendment No. 4491, as modified, and I ask unanimous consent to make it a first-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 4491), as modified, is as follows:

At the appropriate place insert the following:

SEC. ____. REFORMS TO THE DEFENSE TRAVEL SYSTEM TO A FEE-FOR-USE-OF-SERVICE SYSTEM.

No later than one year after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per DOD customer utilizing the system with an additional fixed fee for each transaction.

Mr. COBURN. Mr. President, this is a great case for the American people to see what is not operating right in many of the branches of our Government.

There is a procurement contract that started out 8 years ago. The total cost was to be $200 million. The idea was to save money on purchasing travel vouchers for our military. That was the goal. The original cost was $246 million. We are now 8 years into this, and we are over $464 million. It is working at a 30-percent level. It was working at less than 10 percent last year. Even though we have the GAO saying they may have saved $13 million this year, the fact is that study didn't consider the fact that the vast majority of time when they buy an airplane ticket they do not get the best price. So that wasn't even considered. The purpose of this amendment is to cause us to focus again on what we are doing.

There are no-bid contracts, contracts that change in terms of violation of the contracting laws, performance bonuses, pay for back costs, negotiating through the procurement procedure. There is no significant oversight in this Congress on procurement in the agencies of this Government. That has to change. Nobody in the private world would get away with this. Nobody in their personal life would be able to get away with this.

Yet we have a system now where almost every ticket that is bought through this $464 million program still has to be checked by a travel agent, of which we pay anywhere from $5 to $11 an hour, even though we might have saved $20 on a payment system through the Pentagon.

What is the problem? I have worked with the comptroller at the Pentagon. They were aware of this. The Secretary of Defense is aware of it. The chairman is aware of the problem. The ranking member and I have had multiple discussions.

The problem is the Pentagon has hundreds of computers that won't talk to each other. Instead of fixing that problem, we contract to make a system that should be off the shelf for less than $59 million, and we pay $500 million for it so it will speak to all these different programs—and it is not doing it effectively.

The purpose of this amendment is to quit sending good money after bad and say don't get rid of the program, but let us incentivize the program. If it is a good program, then let us pay the contractor every time it is used. If it is not used enough, and if it doesn't get used—and it is not getting used now because it is too hard to use in the vast majority of the cases, most people go straight to a travel agent—let us pay them on a per-transaction basis just like this contractor has on every other travel program that it has with the Federal Government.

Why would we do it differently in the Pentagon? We are doing it differently because our procurement system is broken in terms of how we hold people accountable.

I have nothing against the contractor.

If you would let me continue to do a program and not perform and continue to give me money, I will take it. But what it is doing is breeding incompetency. It is wasting taxpayer dollars, and we ought to say there is a point in time.

What do we know about travel systems in the Federal Government? What we know is in five other agencies they don't have any problems at all, two of which were developed by their same contractor.

Why are we having problems here? One of them is because we have a cost-plus contract. What is the incentive to fix the problem? There is not any because it is going to continue to be renewed.

This amendment says very simply change the incentive. If this is a good program—Oh, I know. This doesn't say throw the money out or throw the program out.

It says, change the program to incentivize it to be operational. It is in less than 30 percent of our military bases now. It is still not used. The one place it has been used is one Air Force base where it was mandated by the commander: You will use this system.

Do you know what the utilization rate is? Ninety percent. And the cost in terms of getting it done is about three times the benefit in terms of savings for paying for the bill.

On that same Air Force base, over 50 percent of the time they never get the cheapest fare, so what we save in terms of paying—the actual accounting work within the Pentagon, which I agree is a worthy goal—we lose because the system does not find the best fare.

As a matter of fact, most Pentagon employees would be better off to go to Travelocity or Orbitz, buy their own ticket on their own dime, get reimbursed, and the Pentagon can do it cheaper than with this.

This is a very straightforward amendment. It says don't get rid of the defense travel system, keep it going, but fund it on a per-transaction basis that says if this is good for the Pentagon, then use it and we will pay for it. That incentivizes the contractor to make it easy, to make it useful, and to get our value for it. Isn't half a billion enough to pay for a travel system that you could have bought off the shelf for $50 million? It reflects on what we have as problems within the Pentagon.

Let me touch on that. I am a supporter of the Pentagon. I am a supporter of our Defense Secretary. He has told me this is one of the areas where they have great problems. Last year, the Pentagon paid $6 billion in performance bonuses to contractors who

did not meet their performance requirements. Think about that for a minute. That means if you are told where you work: If you meet a certain expectation you are going to get a bonus, except we will pay you even if you do not meet that expectation—what are you going to think next year? You are going to think: I don't have to meet the expectation because I am going to get paid.

That is exactly what is happening within our contracting within the Pentagon and several other agencies within the Federal Government.

I ask the chairman and the ranking member to consider this. I believe it is a way to straighten out a contract and also send a signal. At best, we are going to have a $350 billion deficit this year. Should we spend our kids' and grandkids' money in an inefficient way? This is a good message we ought to send so other contractors see it. You will not get a cost-plus contract if you do not perform, and you are not going to continue to have contracts renewed.

There are a lot of other details, and I ask unanimous consent to have them printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND

The Defense Travel System, DTS, is an end-to-end electronic travel system intended to integrate all travel functions, from authorization through ticket purchase to accounting for the Department of Defense. The system was initiated in 1998 and it was supposed to be fully deployed by 2002. DTS is currently in the final phase of a six-year contract that expires September 30, 2006. In its entire history, the system has never met a deadline, never stayed within cost estimates, and never performed adequately.

To date, DTS has cost the taxpayers $474 million—a staggering $200 million more than it was originally projected to cost.

In short, the American taxpayer has funded a project that is FOUR YEARS behind schedule, is deployed in barely half of the 11,000 DOD travel sites, cannot be relied upon to provide DOD travelers with the lowest available airfare, and is plagued with contracting problems.

And yet . . . Congress continues to fund this broken system.

This amendment prohibits continued funding of DTS and instead shifting to the fixed price per transaction e-travel systems used by government agencies in the civilian sector, as set up under General Services Administration, GSA, contracts.

DTS IS FAR BEHIND SCHEDULE

According to testimony given by Thomas F. Gimble, Acting Inspector General Department of Defense, before the Senate Permanent Subcommittee on Investigations on September 29, 2005, ''The Defense Travel System was at 'high risk' for not being an effective solution to streamlining the DOD travel management process. Furthermore, DTS experienced significant testing and deployment problems.''

By comparison, according to a March 6, 2006 GSA internal review of its own in-house Program Management Office for e-travel systems, two/thirds of civilian agencies fully deployed their systems on time.

In a January 2006 report, GAO noted that DTS, as originally envisioned, was to commence within 120 days after the effective date of contract award in September 1998, with complete deployment to approximately 11,000 locations by April 2002. However, that date has been changed to September 2006—a slippage of over 4 years.

DTS IS NOT BEING UTILIZED

Dr. Scott A. Comes of Program Analysis and Evaluation in the Defense Department testified last year that the estimated savings projected for DTS assumed a utilization rate of 60 percent in the first year of operation, rising to 90 percent thereafter.

In actuality, the utilization rate for DTS was approximately zero through 2004, reached approximately 15 percent in 2005 and now in the last year of the contract period remains about 30 percent. It is already too late for DTS ever to recover the enormous investment that has been wasted on it.

Furthermore, DTS fails to find the lowest applicable airfare in a significant number of cases. Industry expert Robert Langsfeld, who did a comparative study of DTS with the three civilian e-travel systems approved by GSA, testified last year that DTS performed less efficiently than any of the civilian GSA systems.

According to GAO testimony before the PSI Committee, during fiscal years 2001 and 2002, DOD spent almost $124 million on airline tickets that included at least one leg of the trip in premium class—usually business class.

Because of control breakdowns within DTS, DOD paid for airline tickets that were neither used nor processed for refund—amounting to about 58,000 tickets totaling more than $21 million. Based on limited data provided by the airlines to GAO, it is possible that the unused value of the fully and partially-used airline tickets that DOD has purchased could be at least $100 million during the lifespan of DTS.

GAO also found that DOD sometimes paid twice for the same airline ticket through DTS. Based on GAO's mining of limited data, the potential magnitude of the improper payments was 27,000 transactions for over $8 million.

In GAO's latest report, January 2006, they examined agencies that continue to use existing legacy travel systems at locations where DTS is already deployed! This means that all of the proclaimed savings that DTS was supposed to reap are nowhere to be found—because DOD continues to use legacy systems to do the same thing.

A blatant example of the waste from the use of these two systems can be seen in the way that travel vouchers are processed: According to an April 13, 2005, memorandum from the Assistant Secretary of the Army, Financial Management and Comptroller, from October 2004 to February 2005, at locations where DTS had been deployed, the Army paid the Defense Finance and Accounting Service, DFAS—the system where the majority of DOD payments are routed through—approximately $6 million to process 177,000 travel vouchers manually, or $34 per travel voucher, versus about $186,000 to process 84,000 travel vouchers electronically, $2.22 per travel voucher. Overall, for this 5 month period, the Army reported that it spent about $5.6 million more to process these travel vouchers manually as opposed to electronically using DTS.

This example here shows that DTS is not even being utilized! Why in the world are we—the Congress—continuing to fund two duplicative travel payment systems at DOD which has proven to lose millions of dollars in a matter of months?

TESTING OF THE SYSTEM IS NOT ACCURATE

In a January 2006 GAO Report, GAO found that testing for selected requirements for display of flights and airfares was ''ineffective in ensuring that the promised capability was delivered as intended.''

This means that not only is DTS not performing, the current system is incapable of testing properly in order to determine what is required in order to meet DOD's plan.

Further, DOD could not prove that DOD travelers even had access to the flights that were available for travel. There is no doubt such a flaw would have produced higher travel costs.

Confirming the problems with DTS, their own officials acknowledged that this problem has existed before deployment of the system—since 2002. In August 2005, DTS officials stated that the problem was corrected and went ahead with deploying the system.

DTS IS NOT COST EFFECTIVE

DTS is claiming that they saved over $13 million this year, but their spokesman was unable to say in comparison to what. Apparently that ''savings'' is the amount estimated in reduced paperwork and accounting, estimated at about $20 per transaction. This does not take into account the numerous instances in which DTS fails to display the lowest applicable airfare, the necessity to hand-check all its transactions, or the fact that the great bulk of DOD travel is still arranged through old-fashioned conventional travel agents. The alleged savings are completely illusory.

Under the DTS contract Northrop is being paid millions of dollars each month for operation and maintenance, training, help desk, development and deployment—regardless of the actual extent of use by DOD travelers. In addition, DOD is also paying travel agents, commercial travel managers, fees ranging from $5.25 to $12.50 to perform a travel transaction using DTS, the agent still has to buy the ticket and perform other administrative functions, and higher fees, up to $23, if a travel agent has to ''touch'' or assist in completing or correcting a DTS transaction.

Under the GSA Contract DOD would pay only $5.25 per transaction to whichever of three contractors won the contract. GSA e-travel systems are fully automated and do not require the assistance of a travel agent. Ironically, one of the three GSA-approved vendors for e-travel for civilian agencies is Northrop Grumman, the company that holds the DTS contract.

DTS IS BESET WITH CONTRACTING PROBLEMS

The facts show that DTS is another instance of a guaranteed-profit, cost-plus contract. The government is responsible for paying all of the costs of the system in addition to the amount the contractor receives as profit.

The original DTS contract provided for compensation on a per-transaction basis—pay for performance. By April 2001, after years of testing failures, it was clear that the original DTS would not work and the contract was secretly rewritten.

In 2002, the DOD and TRW, later purchased by Northrup Grumman, secretly negotiated a total restructure of the contract, in which the government agreed to pay for all the of losses sustained to date by the DTS contractor and to shift from a pay for performance to a cost-plus arrangement.

DOD has paid Northrop Grumman over $264 million to develop DTS, when this program was supposed to be fully operational in 2001 and development costs were to be at no cost to the Federal government in the original contract.

Another contract change was an agreement by the government to pay the $43.7 million that had been spent in development costs by the original contractor, subsequently acquired by Northrop Grumman. We got absolutely nothing for that money; it

just covered the losses covered by the contractor when the original contract stipulated that the contractor would bear all risks for the development and deployment of DTS.

Last year Judge George Miller of the Federal Court of Claims decided that he would not even look into allegations of violations of the Competition in Contracting Act because the software and source codes are owned by the contractor, so if the contract were opened for bidding and another bidder was awarded the contract, the Government would have nothing left than a $500 million loss. But just a week before the September 29, 2005 hearing of the Senate Permanent Subcommittee on Investigations the contractor promised to transfer ownership of this intellectual property to the Defense Department at the end of the contract period if requested, ostensibly to maintain the fiction that the open bidding on the contract in 2006 is on the level. Ownership of DTS seems to bounce around to wherever it is most convenient to avoid serious scrutiny.

The Director, Defense Finance and Accounting Service, testified before the Senate Permanent Subcommittee on Investigations in September 2005, and promised that when Northrop Grumman's contract expired on September 30, 2006, the DTS contract would be re-bid.

However, this pledge has proved to be false. In February 2006, the Program Director, Defense Travel System Program Management Office, admitted to the Court of Federal Claims that when Northrop Grumman's contract expired on September 30, 2006, DOD planned to extend it on a sole source basis to Northrop Grumman through September 30, 2007 for an additional $20 million.

AGENCIES CURRENTLY USING GSA'S E-TRAVEL SYSTEM

Northrop Grumman's e-travel system has been in use at the Department of Transportation for six months. Northrop also has GSA e-travel contracts with the Environmental Protection Agency, Department of Energy, and the Department of Health and Human Services and it is likely that it will reach early full deployment in each of these.

Mr. COBURN. There were violations in contracting law with this. There were promises made last year when we had this same discussion in the Senate that certain things were happening that did not happen in terms of this contract. There is no question there has been some improvement, but they have not achieved a level that would say we are anywhere close to the level of making this an efficient system.

Mr. WARNER. If I can address the Senator with regard to this amendment, it is an amendment the Senate has visited before.

I would like to have the Senator's observation of whether my information is correct. The Senator has been at this 2 years. I commend the Senator for that work. As a consequence of that work, the Department has done some things, have they not?

Mr. COBURN. They have.

Mr. WARNER. It has been told to me that 95 percent of the Senator's goals have been achieved and that by October 1 of this year, it will be 100 percent.

Mr. COBURN. The actual numbers on utilization of this system, if the Senator can bear with me for a minute, the utilization rate right now is 30 percent in the military. In other words, 3 out of 10 facilities that purchase travel are utilizing this. If that is what we wanted when we contracted it, great. But that is not what was in the contract.

This same contractor, by the way, had a system developed through the Department of Transportation 6 months ago that is working just fine.

I portend that proves the problem with the system is the contracting, not the contractor. We ought to send a signal. Say it is 90 percent, if that is the case, they will make more money doing it on a per-transaction basis than they would under a contract basis.

Mr. WARNER. Mr. President, my friend is an expert on this, and I freely admit I am not.

Mr. COBURN. I am not an expert, but I don't like waste. I think we have wasted money.

Mr. WARNER. It is represented to me the DTS, the defense system is not merely a travel booking system, but it has much broader functionality than any of the Federal Government e-travel systems. In short, DTS is an end-to-end accounting system that automatically handles the entire range of otherwise very expensive and time-consuming manual tasks associated with DOD travel.

Any fair comparison has to begin with the fact that DTS offers an end-to-end travel management capability that incorporates military entitlements and DOD travel policies, and e-travel services simply do not.

Mr. COBURN. Early in my statement I made this point: We are fixing the wrong problem. The problem is the computer system. The reason this is so expensive, the computer systems in the Pentagon do not talk to one another. We have designed a monstrous computer system to make it talk to all these systems that will not talk to one another rather than to fix the computer system in the Pentagon to make them talk to one another.

If we do that on every project that we need to enhance and overfill for the Pentagon, we are going to get into the same problem. They make all their money by being able to pay the bill. But it is a travel system.

If they make efficiency in terms of being able to pay the bill—which is the problem the Pentagon was having—we ought to also expect them to get the fares right and not have to pay another $6 to a travel agent for every ticket they write, to doublecheck to see if the system was right. That is what is happening.

When you say 90 percent, that is 90 percent, plus we are having the travel agents check it. It is not an automated system.

Have they made improvements? Yes, I do not deny that. But if they are where they need to be, and if their contract as originally specified and modified, if they are at 90 percent, they will make a ton more money on a per-transaction basis, and we will get what we need and they will get what they need.

But they are not. That is why we have the resistance to a transaction basis. You cannot have it both ways. If they are at 90 percent, any prudent businessman would say: Sure, we want it on a transaction basis. If they are not at 90 percent, if they are at 30 percent, as I propose they are, and inefficiently at 30 percent, the reason they want a contract through next year is because they are going to make a lot more money than they would on the transaction basis.

Mr. WARNER. Mr. President, I continue to be very depressed by the knowledge that this Senator has on the subject. I freely admit that I do not have the depth of knowledge.

I understand initially the amendment called for a study. Then, as provided under the rules of the Senate, the Senator modified the amendment, and it is now a very specific piece of legislation that I am advised could well end the program.

Somewhere between a study and trying to end the program, should the Senator prevail, there must be a basis on which we can have an accommodation so I can accept some measure to meet the Senator's goals and incorporate it in the bill, assuming my distinguished ranking member will accept my recommendation.

Mr. President, why doesn't the Senator go to his next amendment? In the meantime staff can go to work.

Mr. COBURN. I will gladly do that, and I am happy to work with you.

I make a final point. Supposedly, this contract is going to be out for bid at the end of this year. It was supposed to have been out for bid last year. They renewed the contract without putting it out for bid, so I don't have any hope it will go out, first.

And, No. 2, nobody is going to bid on this. It is a mess. Nobody is going to bid on it. The only person you will have bid on it is the original contractor. Whether that is accurate or not, I am willing to work with the chairman to bring down the costs.

The fact is, the real problem is the computer systems in the Pentagon. We all know that. The Senator is aware of it, the ranking member is aware of it. The comptroller is working hard to change that. That is a 4- to 7-year program that we have embarked on which everyone knows has to happen.

Here is my worry: I will be back here next year doing the same thing because it is still not going to work. That is my worry. That is not fair to our grandkids.

Mr. WARNER. I say that is not fair to the men and women of the Armed Forces who use this program.

I am not trying to keep in place something that is not adequately serving this constituency and the Department of Defense. I would rather put in a fix if I can get in my mind what that fix can be. The amendment could virtually bring what is in existence at DTS to a standstill.

Mr. COBURN. If I could ask the chairman a question, if, in fact, it is at 90 percent, as the contractor says it is,

then by the contract they should have already converted over to a per-transaction plan. So why haven't they? They haven't because it is not at 90 percent because they would be making a whole lot more money if it was.

I am happy to ask unanimous consent to set this amendment and discuss other amendments and work with the Senator and his staff prior to the voting or conclusion of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the cooperation of the Senator.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 4365

Mr. GRAHAM. Mr. President, if it is acceptable to the chairman, I would like about 10 minutes, maybe less, to talk about a managers' amendment that has been accepted by the chairman and ranking member, to put in the record how important I think this is regarding military retirement, Guard and Reserves.

Mr. WARNER. We certainly want to accommodate the Senator. I suggest at the conclusion of the presentation of this next amendment.

Mr. GRAHAM. I apologize.

Mr. COBURN. I am happy to let the Senator from South Carolina intervene for a short period of time.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. GRAHAM. I will be very brief.

One, I thank the chairman and ranking member for their willingness to help Senator CHAMBLISS and Senator CLINTON and myself with a package of reforms that would be very beneficial to the Guard and Reserves regarding Reserve retirement.

Right now, the current system will not allow you to retire until you are 60. You can serve your 20 years, 30 years, but you have to wait until you are 60 to get your retirement. We are trying to incentivize those Guard and Reserves to take part in active-duty operations, and if you are called up to active duty involuntarily, for every 90 days a member spends on active duty, from September 11 forward, you will get a day-for-day credit in terms of retirement. If you serve a whole year on active duty, voluntarily or involuntarily, you could retire at 59.

We have had this scored. It is minimum cost. But I can assure you it will go a long way in the Guard and Reserve community as a much needed reform.

It will be well received by our troops. It will be good for them and their families. Quite honestly, the level of commitment, the level of Active Duty service is on par with World War II among the Guard and Reserves, and it is the least we can do. This will certainly benefit our guardsmen and reservists and their families. I appreciate the chairman and ranking member putting it in the managers' package.

I have enjoyed working with Senators CHAMBLISS and CLINTON on this issue. The reduced retirement provision was from Senator CHAMBLISS. It was his amendment. And we used his amendment also to improve health care for the Guard and Reserves.

What we have done—there is a three-tiered system. For every 90 days you are called to active duty, you get a year of TRICARE at a 28-percent premium share rate, which is the same as for Federal employees. Everyone who works in our offices as Federal employees pays 28 percent of the cost of their Federal health care. The only group in the Federal Government not to have Federal health care were the Guard and Reserves. We fixed that last year. And we are going to have a change in the allocation.

Tier 2: If you are an unemployed or an uninsured guardsman or reservist, we are going to have a 50–50 cost share. If you are in the private sector with health care, and you want to come into TRICARE, to have continuity of health care, not bouncing back and forth, we are going to have a 75–25 share. So if you want to get out of your private-sector health care and come into TRICARE, you will have to pay 75 percent. That will be down from 85 percent. We put a cap on premium growth rates.

The entire package, from allowing people to retire early if they serve on active duty, voluntarily or involuntarily, is a great idea. Balancing out the premiums to be paid will go a long way to make our Guard and Reserve family members and Active Duty and military members more appreciated. And it will certainly help them with their budget problems, because we all know how costly health care is.

I have introduced a separate stand-alone bill that would allow every guardsman and reservist who is eligible for TRICARE to participate in premium conversions. It would allow them to have their TRICARE premiums on a pretax basis, like every other Federal employee. That is a stand-alone bill. We will do it later.

I thank Senator CHAMBLISS for coming up with a package that would allow military members and the Guard and Reserves to get credit for their active service in terms of retiring below age 60. Senator CLINTON and I have worked for several years on TRICARE benefits for guardsmen and reservists. I think we have improved that benefit in a very reasonable way. I put that on the record and hope every Member of the Senate will appreciate what we have done because our guardsmen and reservists have served above and beyond the call of duty.

Mr. President, I now yield to Senator CLINTON, who, as I have indicated, has been with us every step of the way, leading on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I am honored and delighted to join my voice along with my colleagues, Senator GRAHAM and Senator CHAMBLISS, and thank them for their efforts.

Today, we have made further progress in improving benefits for National Guard members and reservists. This bill makes great strides in improving retirement benefits for reservists and Guard members who serve for longer periods. For every consecutive 90 days a member spent in an active Federal status, the age at which they receive their retirement annuity would be decreased by 3 months. The lowest a member could collect retirement pay as a result of this provision would be age 50. The age at which they would qualify for health care benefits would not decrease.

Any Guard or Reserve member who is called or ordered to active duty, or volunteers for active duty, would qualify. This will greatly help us with recruitment and especially retention. We have a problem in our Reserve component which has been under great stress over the last several years.

Last year, thanks to the leadership of Senator GRAHAM, we made great progress in expanding access to TRICARE. All members of the Selected Reserve are eligible to enroll in TRICARE, and we created a separate category based on whether a Guard member or reservist had been deployed.

Category one, for members of the Selected Reserves who have been activated: Members would accumulate 1 year of TRICARE coverage for every year of service and would only have to pay 28 percent of the cost. Category two established a 50–50 cost share for those without health insurance owing to unemployment or lack of employer-provided coverage. And category three was for the remainder of members of the Selective Reserve who did not fit in the other categories, allowing them to buy into coverage at an 85 percent cost share.

Our improvements this year will allow small businesses with fewer than 20 employees to qualify for the 50–50 cost share. And it reduces the amount paid, by those who qualify for category three, to 75 percent.

This is not only a win-win for Guard members and reservists. This is a win-win for our military services and for our country. We are sending a clear message—not just rhetoric, not just rah-rah—but a very clear, solemn message to those who volunteer to be our citizen soldiers. Perhaps in the past they might have thought they would have a weekend a month, 2 weeks in the summer. Well, now they know they are part of the war against terrorism. They are on call literally at any moment.

What we found is that when we began to activate those Guard and Reserve members, 20 to 25 percent of them were found to be medically unready. They had physical problems. They had dental problems. They were not ready because they did not have health insurance. They fell into the category of Americans who go without health care because they cannot afford it or their employer does not provide it.

So in addition to the work I have been privileged to do with Senator GRAHAM on health care benefits, and under the leadership of Senator CHAMBLISS with respect to retirement, we have really sent a great message to our men and women in the Guard and Reserve that we care about you. We care about your families. We value your service. And we want you to know that when it comes to retirement and health care, your country is grateful.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4370

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 4370 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4370.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require notice to Congress and the public on earmarks of funds available to the Department of Defense)

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT AND NOTICE REQUIRED.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term ''earmark'' means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

Mr. COBURN. Mr. President, this is an amendment that is going to have some emotion with it. I want to talk about it first. There is no question when it comes to the wisdom of many of the Members of our body that directing the Pentagon to do certain things is valuable. We know that from anecdotal experience. But what we don't know is how many times we have told them to do something that has been a complete waste. What I am talking about are earmarks in the Defense authorization bill as well as in the Defense appropriations bill.

There is a wonderful body of knowledge, plus an institutional knowledge, here that helps give wisdom to direct the Armed Services. I believe we ought to be in that position. What this amendment does is ask for a report. I want to explain, for a second—and I want the American public to see—what has happened in terms of earmarks.

In 1994, there were $4.2 billion worth of earmarks in the Defense appropriations bill. Last year, there were $9.4 billion. The question we should be asking is not whether or not there should be earmarks, but what is the result of those earmarks? What is the consequence of the earmarks? Not only were the numbers up, the dollars up, but the numbers have skyrocketed.

So the question which I think would be prudent for us to ask is, No. 1: Earmarks are consuming a larger percentage of defense dollars. They also, according to Pentagon reports and some Members of this body, are taking money away from other priorities that are deemed to be higher a lot of the time. They also account for some of the problems we are having in the emergency supplementals and adding to the rising cost of our debt. Many times they are not needed, but, in fact, they are associated with benefiting a region or an industry that is not necessarily in the highest priority.

So this is not about eliminating earmarks. This is about looking at earmarks and saying: What are we getting for them? Where are they working great for us? Where are they not working? Are they beneficial to the defense of this country? Is it something that gives us a benefit?

The other thing I would remind us of is, in the most recent history we have seen an ethical lapse in association with some earmarks, and we have actually seen some criminal behavior in association with earmarks. That ought to be a part of the report as well.

So the whole idea is to add transparency and accountability to earmarks. Let's look at them. What are we getting for them? What are we losing? What are the opportunity costs that are lost because we have them there? The total annual cost of earmarks in Defense appropriations bills would be put in this report.

We can determine the actual numbers of earmarks and the actual price tags. But we don't know the hidden costs of those earmarks, which include staff time and administration. And we don't know the opportunity cost of those earmarks: What did not happen for our soldiers, what did not happen in terms of procurement because we put in something else of maybe a lesser priority?

The annual report will provide Congress and the public a more complete understanding of the total cost of the earmarks to the Department of Defense, the purpose and location of each earmark, and an analysis of the usefulness of each earmark in advancing the goals of the Department of Defense. This will provide Members of Congress a more complete view of the cost-effectiveness of each project and whether those projects warrant continued funding.

The last amendment we were on started as an earmark. I remind the Members of this body, it started at $200 million, and now will have grown to over $500 million in initiatives and earmarks, but we did not have the benefit of a report such as this to see if we were getting value for this money.

This is a simple amendment. It is not going after earmarks. It is not saying they are bad. It is not saying they are good. What it is saying is: Shouldn't this body know? Shouldn't we know the impact, positively and negatively? Shouldn't we know the lost opportunity cost?

I hope both the ranking member and the chairman of this committee will give this amendment consideration. And I ask for their response.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the managers are working to try to resolve a number of issues in the hopes we can complete this bill. I will eventually reply to the Senator from Georgia. I wonder if at this time, without losing the floor, he will yield to his colleague to speak on another matter.

Mr. COBURN. I say to the Senator, I will be happy to.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the chairman and thank my good friend from Oklahoma for yielding for just a minute.

AMENDMENT NO. 4365

Mr. President, I would like to address amendment No. 4365, cosponsored by myself, Senator GRAHAM, Senator CLINTON, and Senator BURNS.

This amendment, which I am speaking on today, makes what I believe is a

relatively minor but very important adjustment to the Reserve retirement system. My amendment would lower the age at which a reservist can receive their retirement annuity by 3 months—counting down from age 60—for every 90 days a reservist spends on active duty during a fiscal year.

This amendment specifically rewards the members of the Guard and Reserve who have been called or ordered for active duty, interrupted their civilian lives for an extended period of time, and in many cases placed themselves in harm's way in defense of their country.

Currently, the average reservist, if they collect any retirement pay at all, receives a small fraction of the annuity that an Active Duty member receives. If this amendment becomes law, that percentage will rise slightly. But in no way will this amendment result in a major change with large financial implications.

I do not have a formal CBO estimate for the current version. However, based on CBO scoring for an earlier version, I suggest the cost of this amendment will be approximately $300 million over 5 years. There have been several other bills and amendments related to Reserve retirement introduced in Congress, and for the sake of comparison, I believe my amendment provides the right incentives and rewards. It is also the least costly alternative which has been offered so far.

I believe this amendment is significant and important because it recognizes the increased contributions our reservists are making, rewards them for their service in the global war on terrorism, and provides reservists in the middle of their careers with an incentive to stay on board. I have received great feedback from the Department of Defense on this amendment because it provides incentives for volunteers, provides motivation for retention, and is relatively low cost.

The Reserve Officers Association of America, the National Guard Association of the United States, the Naval Reserve Association, the Reserve Enlisted Association, and several other military associations also support the amendment and see it as an important, responsible step forward in support of our reservists.

With the coauthorship of my good friends Senator GRAHAM of South Carolina and Senator CLINTON of New York, this amendment also makes two important changes to the current laws related to TRICARE by allowing small businesses under 20 to participate in the 50–50 cost share in the TRICARE program and changing third tier beneficiaries from paying 85 percent to 75 percent. These are important changes, which benefit our men and women in the Guard and Reserve and further provide for the health care benefits of our servicemembers in a way that is affordable and enhances their service.

I commend its inclusion in the bill. It has been a pleasure to work with Senators GRAHAM and CLINTON, as well as Senator BURNS, on this matter. We have had great cooperation from both the chairman and ranking member. I can't tell them how much we appreciate this.

This is the No. 1 issue of the Guard and Reserve this year. It is going to be a great package. I commend Senator GRAHAM for his hard work, Senator CLINTON for her hard work, as well as Senator BURNS for his hard work on this issue. I appreciate very much the cooperation of the staff, as well as the chairman and ranking member, in making sure that we continue to look after our men and women in the Guard and Reserve who are being called up all the more often than we have ever anticipated and all the more often than what they anticipated.

The chairman and ranking member have accepted the amendment, and I am appreciative of that.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 4471, AS MODIFIED

Mr. FRIST. Mr. President, I know in a few moments we will be voting. I did want to come to the floor and speak strongly in support of the Sessions missile defense amendment.

More than 23 years have passed since President Reagan announced his Strategic Defense Initiative—the idea that our Nation should develop the ability to protect itself against the threat of missile attack by being able to shoot down incoming missiles.

President Reagan's idea has been very controversial ever since it was announced.

For some reason there has always been a very substantial school of thought, especially on the other side of the aisle, that we are better off being defenseless against missile attack; that instead of being able to shoot down incoming missiles, we should rely instead exclusively on the threat that we will strike back after someone else attacks us first.

This policy of intentional vulnerability—of intentionally exposing our cities and our people to the threat of missile attack—has never made sense to me or to the American people.

But that hasn't stopped repeated efforts over the years by opponents of missile defense to reduce or even eliminate funding for research, development, and deployment of missile defenses.

Fortunately, Republican administrations and Republican Congresses over the last 23 years have fought to continue our national investment in missile defense.

Thanks to our efforts, our Nation today has a number of missile defense systems and components in place, including a total of 11 ground-based midcourse interceptors fielded in Alaska and California, and more are on the way.

This system is working today to defend the American people.

As Assistant Secretary of Defense Peter Flory testified 3 months ago before a House committee:

> The United States today has all of the pieces in place needed to intercept an incoming long-range ballistic missile: ground based interceptors in Alaska and California; a network of ground, sea, and space-based sensors; a command and control network; and most importantly, trained servicemen and women ready to operate the system. Our ballistic missile defense system today is primarily oriented toward continued development and testing. But we are confident that it could intercept a long-range ballistic missile if called upon to do so.
>
> The existence of this system, rudimentary though it may be, is a great source of comfort to the American people, especially as we confront the threat that North Korea may test fire an ICBM eastward across the Pacific Ocean any day now.
>
> No less an expert than Dr. William J. Perry, President Clinton's Secretary of Defense, has seen the risk of such a test launch by North Korea as sufficiently threatening to America to justify a preemptive U.S. attack on the North Korean ICBM while it is still sitting on its launch pad.
>
> Secretary Perry, in his op-ed in today's Washington Post, acknowledges that attacking the North Korean ICBM on the ground in North Korea would be a high-risk action that could lead to war between the United States and North Korea.
>
> I certainly want to avoid a war with North Korea if at all possible. At the same time, I cannot disagree with Secretary Perry that North Korea's missile program poses a great threat to our Nation that we cannot ignore.
>
> It was precisely to avoid having to choose between preemptive war and defenselessness that our Nation has been pursuing missile defense for the last 23 years.

Senator SESSION's amendment underscores and increases our Nation's commitment to missile defense by increasing the funding for it in this bill by $45 million.

It is a worthy amendment that builds on the commitment that many of us have demonstrated over the years to missile defense.

I understand that the distinguished ranking member, Senator LEVIN, has expressed his support for the amendment, which I welcome—not only because I value his support, but also because, it renews my faith in the power of redemption.

I know we will be voting shortly, but I urge strong support of the Sessions amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank the Senator from Oklahoma for his cooperation. We are trying to reduce the number of rollcall votes so that we can conclude this bill. We are very close to doing so.

I yield the floor for the purposes of the Senator from Oklahoma being recognized.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4491, AS MODIFIED

Mr. COBURN. Mr. President, I would like to call up amendment No. 4491 again.

The PRESIDING OFFICER. Without objection, the amendment is pending.

Mr. COBURN. I ask for its consideration for the purpose of a vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 4491, as modified.

The amendment (No. 4491), as modified, was agreed to.

AMENDMENT NO. 4370

Mr. COBURN. I call up amendment No. 4370.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. I ask for its consideration.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 4370.

The amendment (No. 4370) was agreed to.

Mr. WARNER. Mr. President, as a courtesy to the Senator, I move to reconsider the votes and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank the Senator from Oklahoma.

I believe we will shortly have a UC request to present, but I am looking for the Senator from Alabama, Mr. SESSIONS. If I could have his attention, my understanding is that the Senator desires a rollcall vote on his amendment.

Mr. SESSIONS. I do think that is appropriate.

Mr. WARNER. Fine, the amendment has been debated on both sides.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we support the amendment. Obviously, if there is a desire for a rollcall, that is their right. We will be recommending a ''yea'' vote.

Mr. WARNER. Mr. President, we want to schedule that vote. So it is agreed that will be the subject of a rollcall vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that at 3:45 p.m. today, the Senate proceed to stacked votes in relation to the following amendments to the Defense authorization bill: Chambliss No. 4261, Sessions No. 4471, as modified. I further ask that there be no amendments to the amendments in order prior to the votes and that after the first vote, all rollcall votes be 10 minutes in length; further that there be 2 minutes equally divided between each vote after the first.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent that following the stacked votes that begin shortly in relation to the Defense authorization bill, the Senate proceed to executive session and to immediate votes on the following nominations: No. 704, Andrew Guilford, U.S. District Judge for the Central District of California; No. 714, Frank D. Whitney, U.S. District Judge for the Western District of North Carolina.

I ask unanimous consent that prior to each vote it be in order for the Senators from California and the Senators from North Carolina to speak for up to 3 minutes each or to submit statements for the RECORD prior to the votes; provided further, that following those votes, the Senate proceed to the consideration of No. 715, the nomination be confirmed, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

Mr. LEVIN. Reserving the right to object, we understand that District Judge Frank Whitney would probably be a voice vote; is that correct?

Mr. FRIST. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will turn to the chairman and the ranking member to comment on what they expect over the course of the afternoon, but the two unanimous-consent requests that we just did means that we will have a series of two or three rollcall votes and one by voice. And then after that, I will turn to the chairman and ranking member as to what we might expect in terms of completion of the bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, could those three votes be sequenced, the first vote will take the normal course and the next two votes be 10 minutes each?

The PRESIDING OFFICER. That is part of the order.

Mr. WARNER. I thank the distinguished Presiding Officer. Secondly, there seems to be only one remaining amendment which we are trying to resolve. Then I would approach the leadership jointly for final passage of the bill.

Mr. FRIST. Mr. President, that is my understanding. Is that the understanding of the ranking member?

Mr. LEVIN. I understand that unresolved amendment on our side may have just been resolved. That adds a note of optimism.

Mr. FRIST. Things are sounding better and better.

Mr. WARNER. Would the majority leader authorize the chairman to seek final passage when we are ready to go?

Mr. FRIST. Yes.

AMENDMENT NO. 4261

The PRESIDING OFFICER. Under the previous of order, the hour of 3:45 having arrived, the question is on agreeing to the Chambliss amendment No. 4261.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—70

Akaka	DeWine	Murray
Alexander	Dodd	Nelson (NE)
Allard	Domenici	Pryor
Baucus	Dorgan	Reed
Bennett	Durbin	Reid
Bingaman	Ensign	Roberts
Bond	Feinstein	Salazar
Boxer	Frist	Santorum
Brownback	Graham	Sarbanes
Bunning	Hatch	Schumer
Burns	Hutchison	Sessions
Burr	Inhofe	Shelby
Byrd	Inouye	Smith
Cantwell	Isakson	Snowe
Chambliss	Landrieu	Specter
Coburn	Lautenberg	Stevens
Cochran	Lieberman	Sununu
Coleman	Lincoln	Talent
Collins	Lott	Thomas
Conrad	Martinez	Thune
Cornyn	McConnell	Vitter
Craig	Menendez	Voinovich
Crapo	Mikulski	
DeMint	Murkowski	

NAYS—28

Allen	Gregg	Levin
Bayh	Hagel	Lugar
Biden	Harkin	McCain
Carper	Jeffords	Nelson (FL)
Chafee	Johnson	Obama
Clinton	Kennedy	Stabenow
Dayton	Kerry	Warner
Dole	Kohl	Wyden
Feingold	Kyl	
Grassley	Leahy	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4261) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, before we proceed to the next vote, I would like to propound the following unanimous-consent request:

I ask unanimous consent that following the next vote, which is on the Sessions amendment, I then be recognized in order to send to the desk a series of amendments that have been cleared on both sides. I further ask unanimous consent that following action on those cleared amendments, the bill be read a third time and the Senate proceed to a vote on final passage of the bill, with no intervening action or debate; provided further, that after passage, the Senate proceed to the votes in executive session as under the previous order.

Mr. LEVIN. No objection.

Mr. KERRY. Mr. President, reserving the right to object, and I will not object; I wish to clarify with the distinguished chairman, should we make a clarification with respect to pay raise now or when we are done?

Mr. WARNER. We have reached an agreement on the pay raise issue. I would prefer to do that following final

passage and have the colloquy inserted in the RECORD prior to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Presiding Officer, and I thank my colleagues.

AMENDMENT NO. 4471, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes equally divided for debate before a vote in relation to the Sessions amendment No. 4471. Who yields time? Is all time yielded back?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I think there is strong support on both sides of the aisle for this amendment. This is money which goes to testing of the missile defense system mainly; it surely needs testing. That has always been the question. So I support this amendment, and I believe we could have a voice vote, but there has been a request for a rollcall vote. We support the amendment.

Mr. WARNER. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. Mr. President, this is an amendment by the distinguished Senator from Alabama, Mr. SESSIONS, and the distinguished Senator from Tennessee, Mr. FRIST, and it has been carefully worked and debated. I ask that the vote begin.

The PRESIDING OFFICER. The Senator from Alabama still has 1 minute remaining.

Mr. SESSIONS. Mr. President, I would just say that the projected launch from North Korea has caused us to focus intensely on the missile defense system. To celebrate what we have accomplished, we have nine missiles now in place in Alaska and two in California that are capable of knocking down such an attacking missile. This amendment would allow the capability for continued testing and, at the same time, be on 24/7 readiness to knock down an incoming missile.

We think it is a good amendment, and it is offset. I urge my colleagues to support it. In effect, we would also be sending a message to North Korea and Iran and other rogue nations that we would be ready to defend this Nation.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4471, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessary 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. 185 Leg.]

YEAS—98

Akaka	Dole	McCain
Alexander	Domenici	McConnell
Allard	Dorgan	Menendez
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Levin	Thune
Crapo	Lieberman	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4471), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, for those Senators who may not have heard that vote, if I am correct it was 98 yeas, 0 nays. That is a strong voice from the Senate of the United States in support of the men and women of the Armed Forces. I thank each and every one of you.

Mr. LEVIN. Mr. President, if the Senator will yield, it is also a very strong voice for testing a missile system as well as supporting the men and women in the Armed Forces.

I wonder if we could get the attention of the Senate. It is our understanding now that we are going to proceed to a package which has been cleared and then move to final passage?

Mr. WARNER. That is correct.

Mr. LEVIN. And then immediately move to consideration of a judge.

Mr. WARNER. That is correct. The prior vote being on the missile defense.

Mr. LEVIN. I thank my colleague.

AMENDMENTS NOS. 4520; 4374; 4521; 4522; 4523; 4458; 4524; 4264, AS MODIFIED; 4464; 4489; 4525; 4526; 4327, AS MODIFIED; 4527; 4434; 4393, AS MODIFIED; 4312; 4424; 4416; 4364, AS MODIFIED; 4232; 4528; 4529; 4311; 4228; 4439, AS MODIFIED; 4530; 4337; 4531; 4411; 4336; 4361; 4532; 4533; 4534; 4535; 4381, AS MODIFIED; 4429; 4398, AS MODIFIED; 4451, AS MODIFIED; 4536; 4537; 4538; 4303; 4539; 4423; 4316; 4407; 4366; 4321; 4540; 4449; 4204, AS MODIFIED; AND 4541, EN BLOC

Mr. WARNER. I send a series of amendments to the desk which have been cleared by myself and the ranking member. I ask unanimous consent the Senate consider these amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table. Finally, I ask that any statements pertaining to any of these individual amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4520

(Purpose: Relating to the Minuteman III Intercontinental Ballistic Missile)

At end of subtitle D of title I, add the following:

SEC. 147. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States ''is to deploy a force of 500 ICBMs''. The conferees further note ''that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.''.

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent ''remains a keystone of United States national power''. However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500

to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $5,000,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(3) OFFSET.—The amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term ''ICBM Modernization program'' means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

AMENDMENT NO. 4374

(Purpose: To provide for a study of the health effects of exposure to depleted uranium)

At the end of subtitle C of title VII, add the following:

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term ''uranium-exposed soldiers'' means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

AMENDMENT NO. 4521

(Purpose: To provide, with an offset, $10,000,000 for the Joint Advertising, Market Research and Studies program)

At the end of title XIV, add the following:

SEC. 1414. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $10,000,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) OFFSET.—The amount authorized to be appropriated by section 421(a) for military personnel is hereby decreased by $10,000,000, due to unexpended obligations, if available.

AMENDMENT NO. 4522

(Purpose: To require a report on security measures to ensure that data contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected)

At the appropriate place, add the following:

REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

AMENDMENT NO. 4523

(Purpose: To extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers)

At the end of subtitle I of title X, add the following:

SEC. 1084. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(10 of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 note) is amended by striking ''2006'' and inserting ''2008''.

AMENDMENT NO. 4458

(Purpose: To ensure payment of United States assessments for United Nations peacekeeping operations in 2005, 2006, and 2007)

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding at the end the following:

''(v) For assessments made during calendar years 2005, 2006, and 2007, 27.10 percent.''.

(b) CONFORMING AMENDMENT.—Section 411 of the Department of State and Related Agency Appropriations Act, 2005 (title IV of division B of Public Law 108–447; 22 U.S.C. 287e note) is repealed.

AMENDMENT NO. 4524

(Purpose: To provide for Military Deputies to the Assistant Secretaries of the military departments for acquisition, logistics, and technology matters)

At the end of subtitle A of title IX, add following:

SEC. 903. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.

(a) DEPARTMENT OF THE ARMY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) DEPARTMENT OF THE NAVY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall not be counted against the numbers and percentages of officers of the grade of vice admiral.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to

the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

AMENDMENT NO. 4264, AS MODIFIED

At the end of title VI, add the following:

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

SEC. 681. SHORT TITLE.

This subtitle may be cited as the ''Heroes at Home Act of 2006''.

SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CIVILIAN EMPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVE RETURNING FROM DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) WORKING GROUP REQUIRED.—The Secretary of Defense shall establish within the Department of Defense a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom in transitioning to civilian employment on their return from such deployment.

(b) MEMBERS.—The working group established under subsection (a) shall include a balance of individuals appointed by the Secretary of Defense from among the following:

(1) Personnel of the Department of Defense.

(2) With the concurrence of the Secretary of Veterans Affairs, personnel of the Department of Veterans Affairs.

(3) With the concurrence of the Secretary of Labor, personnel of the Department of Labor.

(c) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) identify and assess the needs of members of the National Guard and Reserve described in subsection (a) in transitioning to civilian employment on their return from deployment as described in that subsection, including the needs of—

(A) members who were self-employed before deployment and seek to return to such employment after deployment;

(B) members who were students before deployment and seek to return to school or commence employment after deployment;

(C) members who have experienced multiple recent deployments; and

(D) members who have been wounded or injured during deployment; and

(2) develop recommendations on means of improving assistance to members of the National Guard and Reserve described in subsection (a) in meeting the needs identified in paragraph (1) on their return from deployment as described in subsection (a).

(d) CONSULTATION.—In carrying out its responsibilities under subsection (c), the working group established under subsection (a) shall consult with the following:

(1) Appropriate personnel of the Small Business Administration.

(2) Representatives of employers who employ members of the National Guard and Reserve described in subsection (a) on their return to civilian employment as described in that subsection.

(3) Representatives of employee assistance organizations.

(4) Representatives of associations of employers.

(5) Representatives of organizations that assist wounded or injured members of the National Guard and Reserves in finding or sustaining employment.

(6) Representatives of such other public or private organizations and entities as the working group considers appropriate.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the working group established under subsection (a) shall submit to the Secretary of Defense and Congress a report on its activities under subsection (c).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The results of the identification and assessment required under subsection (c)(1).

(B) The recommendations developed under subsection (c)(2), including recommendations on the following:

(i) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the employment and transition needs of members of the National Guard and Reserve described in subsection (a) upon their return from deployment as described in that subsection.

(ii) The provision of outreach and training to employers, employment assistance organizations, and associations of employers on the needs of family members of such members.

(iii) The improvement of collaboration between the pubic and private sectors in order to ensure the successful transition of such members into civilian employment upon their return from such deployment.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make the report under paragraph (1) available to the public, including through the Internet website of the Department of Defense.

(f) TERMINATION.—

(1) IN GENERAL.—The working group established under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(2) INTERIM DUTIES.—During the period beginning on the date of the submittal of the report required by subsection (e) and the termination of the working group under paragraph (1), the working group shall serve as an advisory board to the Office for Employers and Employment Assistance Organizations under section 683.

(g) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term ''employment assistance organization'' means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT ASSISTANCE ORGANIZATIONS.

(a) DESIGNATION OF OFFICE.—

(1) IN GENERAL.—The Secretary of Defense shall designate an office within the Department of Defense to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) NAME.—The office designated under this subsection shall be known as the ''Office for Employers and Employment Assistance Organizations'' (in this section referred to as the ''Office'').

(3) HEAD.—The Secretary shall designate an individual to act as the head of the Office.

(4) INTEGRATION.—In designating the Office, the Secretary shall ensure close communication between the Office and the military departments, including the commands of the reserve components of the Armed Forces.

(b) FUNCTIONS.—The Office shall have the following functions:

(1) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful transition to civilian employment of members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection.

(2) To provide education and technical assistance to employers, employment assistance organizations, and associations of employers to assist them in facilitating the successful adjustment of family members of the National Guard and Reserve to the deployment and return from deployment of members of the National Guard and Reserve as described in that subsection.

(c) RESOURCES TO BE PROVIDED.—

(1) IN GENERAL.—In carrying out the functions specified in subsection (b), the Office shall provide employers, employment assistance organizations, and associations of employers resources, services, and assistance that include the following:

(A) Guidelines on best practices and effective strategies.

(B) Education on the physical and mental health conditions that can and may be experienced by members of the National Guard and Reserve described in subsection (a) on their return from deployment as described in that subsection in transitioning to civilian employment, including Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI), including education on—

(i) the detection of warning signs of such conditions;

(ii) the medical, mental health, and employment services available to such members, including materials on services offered by the Department of Defense, the Department of Veterans Affairs (including through the vet center program under section 1712A of title 38, United States Code), the Department of Labor, military support programs, and community mental health clinics; and

(iii) the mechanisms for referring such members for services described in clause (ii) and for other medical and mental health screening and care when appropriate.

(C) Education on the range and types of potential physical and mental health effects of deployment and post-deployment adjustment on family members of members of the National Guard and Reserve described in subsection (a), including education on—

(i) the detection of warning signs of such effects on family members of members of the National Guard and Reserves;

(ii) the medical, mental health, and employment services available to such family members, including materials on such services as described in subparagraph (B)(ii); and

(iii) mechanisms for referring such family members for services described in clause (ii) and for medical and mental health screening and care when appropriate.

(D) Education on mechanisms, strategies, and resources for accommodating and employing wounded or injured members of the National Guard and Reserves in work settings.

(2) PROVISION OF RESOURCES.—The Office shall make resources, services, and assistance available under this subsection through such mechanisms as the head of the Office considers appropriate, including the Internet, video conferencing, telephone services, workshops, trainings, presentations, group forums, and other mechanisms.

(d) PERSONNEL AND OTHER RESOURCES.—The Secretary of Defense shall assign to the

Office such personnel, funding, and other resources as are required to ensure the effective discharge by the Office of the functions under subsection (b).

(e) REPORTS ON ACTIVITIES.—

(1) ANNUAL REPORT BY OFFICE.—Not later than one year after the designation of the Office, and annually thereafter, the head of the Office, in consultation with the working group established pursuant to section 682 (while in effect), shall submit to the Secretary of Defense a written report on the progress and outcomes of the Office during the one-year period ending on the date of such report.

(2) TRANSMITTAL TO CONGRESS.—Not later than 60 days after receipt of a report under paragraph (1), the Secretary shall transmit such report to the Committees on Armed Services of the Senate and the House of Representatives, together with—

(A) such comments on such report, and such assessment of the effectiveness of the Office, as the Secretary considers appropriate; and

(B) such recommendations on means of improving the effectiveness of the Office as the Secretary considers appropriate.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under paragraph (2) available to the public, including through the Internet website of the Office.

(f) EMPLOYMENT ASSISTANCE ORGANIZATION DEFINED.—In this section, the term ''employment assistance organization'' means an organization or entity, whether public or private, that provides assistance to individuals in finding or retaining employment, including organizations and entities under military career support programs.

SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH RELATING TO MENTAL HEALTH OF MEMBERS OF THE NATIONAL GUARD AND RESERVE DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) ADDITIONAL RESPONSIBILITIES.—Section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ASSESSMENT OF MENTAL HEALTH NEEDS OF MEMBERS OF NATIONAL GUARD AND RESERVE DEPLOYED IN OIF OR OEF.—

''(1) IN GENERAL.—In addition to the activities required under subsection (c), the task force shall, not later than 12 months after the date of the enactment of the Heroes at Home Act of 2006, submit to the Secretary a report containing an assessment and recommendations on the needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

''(2) ELEMENTS.—The assessment and recommendations required by paragraph (1) shall include the following:

''(A) An assessment of the specific needs with respect to mental health of members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

''(B) An identification of mental health conditions and disorders (including Post Traumatic Stress Disorder (PTSD), suicide attempts, and suicide) occurring among members of the National Guard and Reserve who undergo multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom upon their return from such deployment.

''(C) Recommendations on mechanisms for improving the mental health services available to members of the National Guard and Reserve who are deployed in Operation Iraqi Freedom or Operation Enduring Freedom, including such members who undergo multiple deployments in such operations, upon their return from such deployment.''.

(b) REPORT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) in the subsection heading, by striking ''REPORT'' and inserting ''REPORTS'';

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—The report submitted to the Secretary under each of subsections (c) and (d) shall include—

''(A) a description of the activities of the task force under such subsection;

''(B) the assessment and recommendations required by such subsection; and

''(C) such other matters relating to the activities of the task force under such subsection as the task force considers appropriate.''; and

(3) in paragraph (2)—

(A) by striking ''the report under paragraph (1)'' and inserting ''a report under paragraph (1)''; and

(B) by striking ''the report as'' and inserting ''such report as''.

(c) PLAN MATTERS.—Subsection (g) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by striking ''the report from the task force under subsection (e)(1)'' and inserting ''a report from the task force under subsection (f)(1)''; and

(2) by inserting ''contained in such report'' after ''the task force'' the second place it appears.

(d) TERMINATION.—Subsection (h) of such section, as redesignated by subsection (a)(1) of this section, is further amended—

(1) by inserting ''with respect to the assessment and recommendations required by subsection (d)'' after ''the task force''; and

(2) by striking ''subsection (e)(2)'' and inserting ''subsection (f)(2)''.

SEC. 685. GRANTS ON ASSISTANCE IN COMMUNITY-BASED SETTINGS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE AND THEIR FAMILIES AFTER DEPLOYMENT IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) IN GENERAL.—The Secretary of Defense may award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings for the provision of assistance to members of the National Guard and Reserve who serve in Operation Iraqi Freedom or Operation Enduring Freedom, and their families, after the return of such members from deployment in Operation Iraqi Freedom or Operation Enduring Freedom, as the case may be, including—

(1) services to improve the reuniting of such members of the National Guard and Reserve and their families;

(2) education to increase awareness of the physical and mental health conditions that members of the National Guard and Reserve can and may experience on their return from such deployment, including education on—

(A) Post Traumatic Stress Disorder (PTSD) and traumatic brain injury (TBI); and

(B) mechanisms for the referral of such members of the National Guard and Reserve for medical and mental health screening and care when necessary; and

(3) education to increase awareness of the physical and mental health conditions that family members of such members of the National Guard and Reserve can and may experience on the return of such members from such deployment, including education on—

(A) depression, anxiety, and relationship problems; and

(B) mechanisms for medical and mental health screening and care when appropriate.

(b) ELIGIBLE ENTITIES.—An entity eligible for the award of a grant under this section is any public or private non-profit organization, such as a community mental health clinic, family support organization, military support organization, law enforcement agency, community college, or public school.

(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit to the Secretary of Defense an application therefor in such manner, and containing such information, as the Secretary may require for purposes of this section, including a description of how such entity will work with the Department of Defense, the Department of Veterans Affairs, State health agencies, other appropriate Federal, State, and local agencies, family support organizations, and other community organization in undertaking activities described in subsection (a).

(d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An entity awarded a grant under this section shall submit to the Secretary of Defense on an annual basis a report on the activities undertaken by such entity during the preceding year utilizing amounts under the grant. Each report shall include such information as the Secretary shall specify for purposes of this subsection.

(e) ANNUAL REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to Congress a report on activities undertaken under the grants awarded under this section. The report shall include recommendations for legislative, programmatic, or administrative action to improve or enhance activities under the grants awarded under this section.

(2) AVAILABILITY TO PUBLIC.—The Secretary shall take appropriate actions to make each report under this subsection available to the public.

SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN INJURY INCURRED BY MEMBERS OF THE ARMED FORCES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, conduct a longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom. The duration of the longitudinal study shall be 15 years.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The long-term physical and mental health effects of traumatic brain injuries incurred by members of the Armed Forces during service in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) The health care, mental health care, and rehabilitation needs of such members for such injuries after the completion of inpatient treatment through the Department of Defense, the Department of Veterans Affairs, or both.

(3) The type and availability of long-term care rehabilitation programs and services within and outside the Department of Defense and the Department of Veterans Affairs for such members for such injuries, including community-based programs and services and in-home programs and services.

(c) REPORTS.—

(1) PERIODIC AND FINAL REPORTS.—After the third, seventh, eleventh, and fifteenth years

of the study required by subsection (a), the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to Congress a comprehensive report on the results of the study during the preceding years. Each report shall include the following:

(A) Current information on the cumulative outcomes of the study.

(B) Such recommendations as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate based on the outcomes of the study, including recommendations for legislative, programmatic, or administrative action to improve long-term care and rehabilitation programs and services for members of the Armed Forces with traumatic brain injuries.

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take appropriate actions to make each report under this subsection available to the public.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $5,000,000.

(B) For each of fiscal years 2008 through 2021, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS ON CARE AND ASSISTANCE FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY INCURRED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) TRAUMATIC BRAIN INJURY FAMILY CAREGIVER PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, establish within the Department of Defense a panel to develop coordinated, uniform, and consistent training curricula to be used in training family members in the provision of care and assistance to members and former members of the Armed Forces for traumatic brain injuries incurred during service in the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) DESIGNATION OF PANEL.—The panel established under paragraph (1) shall be known as the ''Traumatic Brain Injury Family Caregiver Panel''.

(3) MEMBERS.—The Traumatic Brain Injury Family Caregiver Panel established under paragraph (1) shall consist of 15 members appointed by the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, equally represented from among—

(A) physicians, nurses, rehabilitation therapists, and other individuals with an expertise in caring for and assisting individuals with traumatic brain injury, including those who specialize in caring for and assisting individuals with traumatic brain injury incurred in war;

(B) representatives of family caregivers or family caregiver associations;

(C) Department of Defense and Department of Veterans Affairs health and medical personnel with expertise in traumatic brain injury, and Department of Defense personnel and readiness representatives with expertise in traumatic brain injury;

(D) psychologists or other individuals with expertise in the mental health treatment and care of individuals with traumatic brain injury;

(E) experts in the development of training curricula; and

(F) any other individuals the Secretary considers appropriate.

(b) DEVELOPMENT OF CURRICULA.—

(1) IN GENERAL.—The Traumatic Brain Injury Family Caregiver Panel shall develop training curricula to be utilized during the provision of training to family members of members and former members of the Armed Forces described in subsection (a) on techniques, strategies, and skills for care and assistance for such members and former members with the traumatic brain injuries described in that subsection.

(2) SCOPE OF CURRICULA.—The curricula shall—

(A) be based on empirical research and validated techniques; and

(B) shall provide for training that permits recipients to tailor caregiving to the unique circumstances of the member or former member of the Armed Forces receiving care.

(3) PARTICULAR REQUIREMENTS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall—

(A) specify appropriate training commensurate with the severity of traumatic brain injury; and

(B) identify appropriate care and assistance to be provided for the degree of severity of traumatic brain injury for caregivers of various levels of skill and capability.

(4) USE OF EXISTING MATERIALS.—In developing the curricula, the Traumatic Brain Injury Family Caregiver Panel shall utilize and enhance any existing training curricula, materials, and resources applicable to such curricula as the Panel considers appropriate.

(5) DEADLINE FOR DEVELOPMENT.—The Traumatic Brain Injury Family Caregiver Panel shall develop the curricula not later than one year after the date of the enactment of this Act.

(c) DISSEMINATION OF CURRICULA.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Traumatic Brain Injury Family Caregiver Panel, develop mechanisms for the dissemination of the curricula developed under subsection (b) to health care professionals referred to in paragraph (2) who treat or otherwise work with members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom or Operation Enduring Freedom. In developing such mechanisms, the Secretary may utilize and enhance existing mechanisms, including the Military Severely Injured Center.

(2) HEALTH CARE PROFESSIONALS.—The health care professionals referred to in this paragraph are the following:

(A) Personnel at military medical treatment facilities.

(B) Personnel at the polytrauma centers of the Department of Veterans Affairs.

(C) Personnel and care managers at the Military Severely Injured Center.

(D) Such other health care professionals of the Department of Defense as the Secretary considers appropriate.

(E) Such other health care professionals of the Department of Veterans Affairs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(3) PROVISION OF TRAINING TO FAMILY CAREGIVERS.—

(A) IN GENERAL.—Health care professionals referred to in paragraph (2) who are trained in the curricula developed under subsection (b) shall provide training to family members of members and former members of the Armed Forces who incur traumatic brain injuries during service in the Operation Iraqi Freedom or Operation Enduring Freedom in the care and assistance to be provided for such injuries.

(B) TIMING OF TRAINING.—Training under this paragraph shall, to the extent practicable, be provided to family members while the member or former member concerned is undergoing treatment at a facility of the Department of Defense or Department of Veterans Affairs, as applicable, in order to ensure that such family members receive practice on the provision of such care and assistance under the guidance of qualified health professionals.

(C) PARTICULARIZED TRAINING.—Training provided under this paragraph to family members of a particular member or former member shall be tailored to the particular care needs of such member or former member and the particular caregiving needs of such family members.

(4) QUALITY ASSURANCE.—The Secretary shall develop mechanisms to ensure quality in the provision of training under this section to health care professionals referred to in paragraph (2) and in the provision of such training under paragraph (4) by such health care professionals.

(5) REPORT.—Not later than one year after the development of the curricula required by subsection (b), and annually thereafter, the Traumatic Brain Injury Family Caregiver Training Panel shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to Congress, a report on the following:

(A) The actions undertaken under this subsection.

(B) The results of the tracking of outcomes based on training developed and provided under this section.

(C) Recommendations for the improvement of training developed and provided under this section.

(d) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section amounts as follows:

(A) For fiscal year 2007, $1,000,000.

(B) For each of fiscal years 2008 through 2011, such sums as may be necessary.

(2) OFFSET.—The amount authorized to be appropriated by section 102(a)(2) for weapons procurement for the Navy is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts for the Trident II conventional modification program.

AMENDMENT NO. 4464

(Purpose: To provide a sunset date for the Small Business Competitive Demonstration Program)

At the end of title X of division A, insert the following:

SEC. 1084. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2007''.

AMENDMENT NO. 4489

(Purpose: To propose an alternative to section 1083 to improve the Quadrennial Defense Review)

Strike section 1083 and insert the following:

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) The Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, is vital in laying out the strategic military planning and threat objectives of the Department of Defense.

(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.—

(1) CONDUCT OF REVIEW.—Subsection (b) of section 118 of title 10, United States Code, is amended—

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

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.''.

(2) ADDITIONAL ELEMENT IN REPORT TO CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting '', the strategic planning guidance,'' after ''United States'';

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph (9):

''(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.''.

(3) CJCS REVIEW.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: '' and a description of the capabilities needed to address such risk''.

(4) INDEPENDENT ASSESSMENT.—Such section is further amended by adding at the end the following new subsection:

''(f) INDEPENDENT ASSESSMENT.—(1) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review.

''(2) The panel appointed under paragraph (1) shall be composed of seven individuals (who may not be employees of the Department of Defense) as follows:

''(A) Three members shall be appointed by the President.

''(B) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Speaker of the House of Representatives.

''(C) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the House of Representatives.

''(D) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Majority Leader of the Senate.

''(E) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the Senate.

''(3) Not later than three months after the date that the report on a quadrennial defense review is submitted to Congress under subsection (d), the panel appointed under paragraph (2) shall provide to the congressional defense committees an assessment of the assumptions, planning guidelines, recommendations, and realism of the review.''.

AMENDMENT NO. 4525

(Purpose: To require a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the City.

AMENDMENT NO. 4526

(Purpose: To require the President to develop a comprehensive strategy toward Somalia)

At the end of subtitle A of title XII, add the following:

SEC. 1209. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) SENSE OF SENATE.—It is the sense of the Senate that the United States should—

(1) support the development of the Transitional Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR SOMALIA.—

(1) REQUIREMENT FOR STRATEGY.—Not later then 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 4327, AS MODIFIED

At the end of subtitle E of title VI, add the following:

SEC. 662. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking ''Chief Operating Officer'' each place it appears and inserting ''Chief Executive Officer''; and

(B) in subsection (e)(1), by striking ''Chief Operating Officer's'' and inserting ''Chief Executive Officer's''.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking ''Chief Operating Officer'' each place it appears in a provision as follows and inserting ''Chief Executive Officer'':

(A) Section 1511 (24 U.S.C. 411).

(B) Section 1512 (24 U.S.C. 412).

(C) Section 1513(a) (24 U.S.C. 413(a)).

(D) Section 1514(c)(1) (24 U.S.C. 414(c)(1)).

(E) Section 1516(b) (24 U.S.C. 416(b)).

(F) Section 1517 (24 U.S.C. 417).

(G) Section 1518(c) (24 U.S.C. 418(c)).

(H) Section 1519(c) (24 U.S.C. 419(c)).

(I) Section 1521(a) (24 U.S.C. 421(a)).

(J) Section 1522 (24 U.S.C. 422).

(K) Section 1523(b) (24 U.S.C. 423(b)).

(L) Section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

"SEC. 1515. CHIEF EXECUTIVE OFFICER.".

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

"Sec. 1515. Chief Executive Officer.".

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) DIRECTOR AND DEPUTY DIRECTOR OF FACILITIES.—

(1) MILITARY DIRECTOR.—Subsection (b)(1) of section 1517 of such Act (24 U.S.C. 417) is amended by striking "a civilian with experience as a continuing care retirement community professional or".

(2) CIVILIAN DEPUTY DIRECTOR.—Subsection (d)(1)(A) of such section is amended by striking "or a member" and all that follows and inserting "; and".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply with respect to any vacancy that occur in the position of Director or Deputy Director of a facility of the Armed Forces Retirement Home that occurs on or after that date.

(c) CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD OF TRUSTEES.—Section 1516(c)(1)(H) of such Act (24 U.S.C. 416(c)(1)(K)) is amended by inserting before the period at the end the following: ", who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half)".

AMENDMENT NO. 4527

(Purpose: To require a report on the feasibility of establishing a United States military regional combatant command for Africa)

At the end of subtitle G of title X, insert the following:

SEC. 1066. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

AMENDMENT NO. 4434

(Purpose: To ensure proper education, training, and supervision of personnel providing special education services for dependents of members of the Armed Forces under extended benefits under TRICARE)

At the end of subtitle B of title VII, add the following:

SEC. 730. EDUCATION, TRAINING, AND SUPERVISION OF PERSONNEL PROVIDING SPECIAL EDUCATION SERVICES UNDER EXTENDED BENEFITS UNDER TRICARE.

Section 1079(d)(2) of title 10, United States Code is amended by adding at the end the following: "The regulations shall include the following:

"(A) Requirements for education, training, and supervision of individuals providing special education services known as Applied Behavioral Analysis under this subsection that are in addition to any other education, training, and supervision requirements applicable to Board Certified Behavior Analysts or Board Certified Associate Behavior Analysts or are otherwise applicable to personnel providing such services under applicable State law.

"(B) Metrics to identify and measure the availability and distribution of individuals of various expertise in Applied Behavioral Analysis in order to evaluate and assure the availability of qualified personnel to meet needs for Applied Behavioral Analysis under this subsection.".

AMENDMENT NO. 4393, AS MODIFIED

At the end of subtitle D of title VII, add the following:

SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE HEALTH STUDY ASSETS TO MEDICAL FOLLOW-UP AGENCY.

(a) TRANSFER.—

(1) NOTIFICATION OF PARTICIPANTS.—The Secretary of the Air Force shall notify the participants of the Air Force Health Study that the study as currently constituted is ending as of September 30, 2006. In consultation with the Medical Follow-up Agency (in this section referred to as the "Agency") of the Institute of Medicine of the National Academy of Sciences, the Secretary of the Air Force shall request the written consent of the participants to transfer their data and biological specimens to the Agency during fiscal year 2007 and written consent for the Agency to maintain the data and specimens and make them available for additional studies.

(2) COMPLETION OF TRANSFER.—Custodianship of the Air Force Health Study shall be completely transferred to the Agency on or before September 30, 2007. Assets to be transferred shall include electronic data files and biological specimens of all the study participants.

(3) COPIES TO ARCHIVES.—The Air Force shall send paper copies of all study documents to the National Archives.

(b) REPORT ON TRANSFER.—

(1) REQUIREMENT.—Not later than 30 days after completion of the transfer of the assets of the Air Force Health Study under subsection (a), the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the transfer.

(2) MATTERS COVERED.—At a minimum, the report shall include information on the number of study participants whose data and biological specimens were not transferred, the efforts that were taken to contact such participants, and the reasons why the transfer of their data and specimens did not occur.

(c) DISPOSITION OF ASSETS NOT TRANSFERRED.—The Secretary of the Air Force may not destroy any data or biological specimens not transferred under subsection (a) until the expiration of the one-year period following submission of the report under subsection (b).

(d) FUNDING.—

(1) COSTS OF TRANSFER OF THE FUNDS AVAILABLE TO THE DEFENSE HEALTH PROGRAM.—The Secretary of Defense may make available to the Air Force $850,000 for preparation, transfer of the assets of the Air Force Health Study and shipment of data and specimens to the Medical Follow-up Agency and the National Archives during fiscal year 2007 from amounts available from the Department of Defense for that year. The Secretary of Defense is authorized to transfer the freezers and other physical assets assigned to the Air Force Health Study to the Agency without charge.

(2) COSTS OF COLLABORATION OF THE FUNDS AVAILABLE TO THE DEFENSE HEALTH PROGRAM.—The Secretary of Defense may reimburse the National Academy of Sciences up to $200,000 for costs of the Medical Follow-up Agency to collaborate with the Air Force in the transfer and receipt of the assets of the Air Force Health Study to the Agency during fiscal year 2007 from amounts available from the Department of Defense for that year.

AMENDMENT NO. 4312

(Purpose: To expand and enhance the bonus to encourage members of the Army to refer other persons for enlistment in the Army)

At the end of subtitle B of title VI, add the following:

SEC. 620. ENHANCEMENT OF BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection (a) of section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(2) by striking "a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve," and inserting "an individual referred to in paragraph (2)"; and

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

"(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

"(A) A member in the regular component of the Army.

"(B) A member of the Army National Guard.

"(C) A member of the Army Reserve.

"(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

"(E) A civilian employee of the Department of the Army.".

(b) AMOUNT OF BONUS.—Subsection (d) of such section is amended to read as follows:

"(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable in two lump sums as provided in subsection (e).".

(c) PAYMENT OF BONUS.—Subsection (e) of such section is amended to read as follows:

"(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

"(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person referred.

"(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person referred.".

(d) COORDINATION WITH RECEIPT OF RETIRED PAY.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section

to a member of the Army in a retired status is in addition to any compensation to such member is entitled under title 10, 37, or 38, United States Code, or under any other provision of law.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to bonuses payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended by this section, on or after that date.

AMENDMENT NO. 4424

(Purpose: To modify certain requirements related to counterdrug activities)

On page 387, line 7, strike ''and aircraft'' and insert ''and, subject to section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft''.

On page 387, line 25, after ''congressional defense committees'' the following: ''and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives''.

On page 388, line 3, strike ''paragraphs (10)'' and insert ''paragraphs (1)''.

AMENDMENT NO. 4416

(Purpose: To direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island)

At the appropriate place, insert the following:

SEC. _____. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

(a) DEFINITIONS.—In this section:

(1) The term ''Barrier'' means the Fox Point Hurricane Barrier, Providence, Rhode Island.

(2) The term ''City'' means the city of Providence, Rhode Island.

(3) The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) RESPONSIBILITY FOR BARRIER.—Not later than 2 years after the date of enactment of this Act, the Secretary shall assume responsibility for the annual operation and maintenance of the Barrier.

(c) REQUIRED STRUCTURES.—

(1) IN GENERAL.—The City, in coordination with the Secretary, shall identify any land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the Barrier.

(2) CONVEYANCE.—The City shall convey to the Secretary, by quitclaim deed and without consideration, all rights, title, and interests of the City in and to the land and structures identified under paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as are necessary for each fiscal year to operate and maintain the Barrier (including repair, replacement, and rehabilitation).

AMENDMENT NO. 4364, AS MODIFIED

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the ''Lane Evans Navy and Marine Corps Reserve Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

AMENDMENT NO. 4232

(Purpose: To name the new administration building at the Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall, upon be completion, be known and designated as the ''Michael G. Oxley Administration and Technology Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such administration building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

AMENDMENT NO. 4528

(Purpose: To name a military family housing facility at Fort Carson, Colorado, after Representative Joel Hefley)

On page 535, between lines 12 and 13, insert the following:

SEC. 2814. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the ''Joel Hefley Village''. Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

AMENDMENT NO. 4529

(Purpose: To require the submittal to Congress of the Department of Defense Supplemental and Cost of War Execution reports)

At the end of title XIV, insert the following:

SEC. 1414. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting ''CONGRESS AND'' after ''SUBMISSION TO''; and

(2) by inserting ''the congressional defense committees and'' before ''the Comptroller General''.

AMENDMENT NO. 4311

(Purpose: To provide that acceptance by a military officer of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency shall be conditional upon retirement of the officer after the assignment)

At the end of subtitle A of title V, add the following:

SEC. 509. CONDITION ON APPOINTMENT OF COMMISSIONED OFFICERS TO POSITION OF DIRECTOR OF NATIONAL INTELLIGENCE OR DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) CONDITION.—

(1) IN GENERAL.—Chapter 32 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency

''As a condition of appointment to the position of Director of National Intelligence or Director of the Central Intelligence Agency, an officer shall acknowledge that upon termination of service in such position the officer shall be retired in accordance with section 1253 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by adding at the end the following new item:

''529. Condition on appointment to certain positions: Director of National Intelligence; Director of the Central Intelligence Agency.''.

(b) RETIREMENT.—

(1) IN GENERAL.—Chapter 63 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency

''Upon termination of the appointment of an officer to the position of Director of National Intelligence or Director of the Central Intelligence Agency, the Secretary of the military department concerned shall retire the officer under any provision of this title under which the officer is eligible to retire.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of such title is amended by adding at the end the following new item:

''1253. Mandatory retirement: Director of National Intelligence; Director of the Central Intelligence Agency.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to appointments of commissioned officers of the Armed Forces to the position of Director of National Intelligence or Director of the Central Intelligence Agency on or after that date.

AMENDMENT NO. 4228

(Purpose: Relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs)

At the end of subtitle F of title V, add the following:

SEC. 587. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.

(a) REPORT.—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) ADDITIONAL ELEMENTS.—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—Section 562(b) of the National Defense Authorization Act for Fiscal

Year 2006 (Public Law 109–163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

''(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

''(A) provide for the provision of such briefings by fully qualified Department personnel;

''(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

''(C) ensure that—

''(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

''(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

''(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.''.

AMENDMENT NO. 4439, AS MODIFIED

At the end of subtitle B of title XII, add the following:

SEC. 1223. REPORTS ON THE DARFUR PEACE AGREEMENT.

Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the Department of Defense's role in assisting the parties to the Darfur Peace Agreement of May 5, 2006 with implementing that Agreement. Each such report shall include a description of—

(1) the assets that the United States military, in concert with the United States North Atlantic Treaty Organisation (NATO) allies, are able to offer the African Union Mission in Sudan (AMIS) and any United Nations peacekeeping mission authorized for Darfur;

(2) any plans of the Secretary of Defense to support the AMIS by providing information regarding the location of belligerents and potential violations of the Darfur Peace Agreement and assistance to improve the AMIS use of intelligence and tactical mobility;

(3) the resources that will be used during the current fiscal year to provide the support described in paragraph (2) and the resources that will be needed during the next fiscal year to provide such support;

(4) the efforts of the Secretary of Defense and Secretary of State to leverage troop contributions from other countries to serve in the proposed United Nation peacekeeping mission for Darfur;

(5) any plans of the Secretary of Defense to participate in the deployment of any NATO mentoring or technical assistance teams to Darfur to assist the AMIS; and

(6) any actions carried out by the Secretary of Defense to address deficiencies in the AMIS communications systems, particularly the interoperability of communications equipment.

AMENDMENT NO. 4530

(Purpose: To extend the patent term for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

AMENDMENT NO. 4337

(Purpose: Relating to intelligence on Iran)

At the end of subtitle A of title XII, add the following:

SEC. 1209. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified,

brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

AMENDMENT NO. 4531

(Purpose: To make available $2,900,000 from Operation and Maintenance, Army, for the Virginia Military Institute for military training infrastructure improvements)

At the end of subtitle B of title III, add the following:

SEC. 315. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate field training of all Armed Forces Reserve Officer Training Corps.

AMENDMENT NO. 4411

(Purpose: To authorize $3,600,000 for military construction for the Air National Guard of the United States to construct an engine inspection and maintenance facility at Little Rock Air Force Base, Arkansas)

On page 519, line 21, strike ''$242,143,000'' and insert ''$245,743,000''.

AMENDMENT NO. 4336

(Purpose: To require a report on the feasability of omitting Social Security Numbers from military identification cards)

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term ''military identification card'' has the meaning given the term ''military ID card'' in section 1060b(b)(1) of title 10, United States Code.

AMENDMENT NO. 4361

(Purpose: To require that Congress be apprised periodically on the implementation of the Darfur Peace Agreement)

At the end of subtitle A of title XII, add the following:

SEC. 1209. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement;

(2) a description of any violation of the Agreement and any delay in implementing the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

AMENDMENT NO. 4532

(Purpose: To require a report on the use of alternative fuels by the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON USE OF ALTERNATIVE FUELS BY THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including any measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3207) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under this section.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the study required by section 357(c) of the National Defense Authorization Act for Fiscal Year 2006.

(d) ALTERNATIVE FUELS DEFINED.—In this section, the term ''alternative fuels'' means biofuels, biodiesel, renewable diesel, ethanol that contain less than 85 percent ethyl alcohol, and cellulosic ethanol.

AMENDMENT NO. 4533

(Purpose: To make available an additional $450,000,000 for Research, Development, Test, and Evaluation, Defense-wide and provide an offsetting reduction for a certain military intelligence program)

At the end of subtitle D of title X, add the following:

SEC. 1035. FUNDING FOR A CERTAIN MILITARY INTELLIGENCE PROGRAM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $450,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $450,000,000, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

AMENDMENT NO. 4534

(Purpose: To authorize the prepositioning of Department of Defense assets to improve support to civilian authorities)

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the ''Economy Act''), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

AMENDMENT NO. 4535

(Purpose: To provide for energy efficiency in new construction)

On page 531, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking ''installations of the Department of Defense as may be designated'' and inserting ''installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated'';

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following new subsection:

''(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

''(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

''(2) In determining the energy efficiency of products, the Secretary shall consider products that—

''(A) meet or exceed Energy Star specifications; or

''(B) are listed on the Department of Energy's Federal Energy Management Program Product Energy Efficiency Recommendations product list.''.

AMENDMENT NO. 4381, AS MODIFIED

On page 178, between lines 10 and 11, insert the following:

(c) TRANSITION OF MILITARY DEPENDENTS FROM MILITARY TO CIVILIAN SCHOOLS.—

(1) IN GENERAL.—The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of dependents of members of the Armed Forces from attendance in Department of Defense dependent schools to civilian schools in systems operated by local educational agencies.

(2) UTILIZATION OF EXISTING RESOURCES.—In working with the Secretary of Education under paragraph (1), the Secretary of Defense may utilize funds authorized to be appropriated for operation and maintenance for Defense-wide activities to share expertise and experience of the Department of Defense Education Activity with local educational agencies as dependents of members of the Armed Forces make the transition from attendance at Department of Defense dependent schools to attendance at civilian schools in systems operated by such local educational agencies, including such transitions resulting from defense base closure and realignment, global rebasing, and force restructuring.

(3) DEFINITIONS.—In this subsection:

(A) The term ''expertise and experience'', with respect to the Department of Defense Education Activity, means resources of such activity relating to—

(i) academic strategies which result in increased academic achievement;

(ii) curriculum development consultation and materials;

(iii) teacher training resources and materials;

(iv) access to virtual and distance learning technology capabilities and related applications for teachers; and

(v) such other services as the Secretary of Defense considers appropriate to improve the academic achievement of such students.

(B) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) EXPIRATION.—The authority of the Secretary of the Defense under this subsection shall expire on September 30, 2011.

AMENDMENT NO. 4429

(Purpose: To authorize the donation of the SS Arthur M. Huddell to the Government of Greece)

At the end of subtitle B of title X, add the following:

SEC. 1013. AUTHORITY TO DONATE SS ARTHUR M. HUDDELL TO THE GOVERNMENT OF GREECE.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the economic and environmental interests of the United States to promote the disposal of vessels in the National Defense Reserve Fleet that are of insufficient value to warrant further preservation.

(2) The Maritime Administration of the Department of Transportation has been authorized to make such disposals, including the sale and recycling of such vessels and the donation of such vessels to any State, commonwealth, or possession of the United States, and to nonprofit organizations.

(3) The government of Greece has expressed an interest in obtaining and using the ex-Liberty ship, SS ARTHUR M. HUDDELL, for purposes of a museum exhibit.

(4) It is in the interest of the United States to authorize the Maritime Administration to donate SS ARTHUR M. HUDDELL to Greece.

(b) DONATION OF SS ARTHUR M. HUDDELL TO GOVERNMENT OF GREECE.—Notwithstanding Section 510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1158), the Secretary of Transportation is authorized to transfer SS ARTHUR M. HUDDELL, by gift, to the Government of Greece, in accordance with terms and conditions determined by the Secretary.

(c) ADDITIONAL EQUIPMENT.—The Secretary may convey additional equipment from other obsolete vessels of the National Defense Reserve Fleet to assist the Government of Greece under this section for purposes of the museum exhibit referred to in subsection (a)(3).

AMENDMENT NO. 4398

At the end of subtitle D of title II, add the following:

SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT.—The Secretary of Defense shall submit to Congress, at the same time as the submittal of the budget of the President for fiscal year 2008 (as submitted under section 1105(a) of title 31, United States Code) a report on the biometrics programs of the Department of Defense.

(b) ELEMENTS.—The report shall address the following:

(1) Whether the Department should modify the current executive agent management structure for the biometrics programs.

(2) The requirements for the biometrics programs to meet needs throughout the Department of Defense.

(3) A description of programs currently fielded to meet requirements in Iraq and Afghanistan.

(4) An assessment of the adequacy of fielded programs to meet operational requirements.

(5) An assessment of programmatic or capability gaps in meeting future requirements.

(6) The actions being taken within the Executive Branch to coordinate and integrate requirements, programs, and resources among the departments and agencies of the Executive Branch with a role in using or developing biometrics capabilities.

(c) BIOMETRICS DEFINED.—In this section, the term ''biometrics'' means an identity management program or system that utilizes distinct personal attributes, including DNA, facial features, irises, retinas, signatures, or voices, to identify individuals.

AMENDMENT NO. 4451, AS MODIFIED

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORTS ON EXPANDED USE OF UNMANNED AERIAL VEHICLES IN THE NATIONAL AIRSPACE SYSTEM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Unmanned aerial vehicles (UAVs) serve Department of Defense intelligence, surveillance, reconnaissance, and combat missions.

(2) Operational reliability of unmanned systems continues to improve and sense-and-avoid technology development and fielding must continue in an effort to provide unmanned aerial systems with an equivalent level of safety to manned aircraft..

(3) Unmanned aerial vehicles have the potential to support the Nation's homeland defense mission, border security mission, and natural disaster recovery efforts.

(4) Accelerated development and testing of standards for the integration of unmanned aerial vehicles in the National Airspace System would further the increased safe use of such vehicles for border security, homeland defense, and natural disaster recovery efforts.

(b) ANNUAL REPORTS.—Not later than one year after the date of the enactment of this Act and annually thereafter until the Federal Aviation Administration promulgates such policy, the Secretary of Defense shall submit to the Committees on Armed Services, Commerce, Science and Transportation, and Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services, Energy and Commerce, and Government Reform of the House of Representatives a report on the actions of the Department of Defense to support the development by the Federal Aviation Administration of a policy on the testing and operation of unmanned aerial vehicles in the National Airspace System.

AMENDMENT NO. 4536

(Purpose: To require a report on the incorporation of elements of the reserve components into the Special Forces in the expansion of the Special Forces)

At the end of subtitle C of title IX, add the following:

SEC. 924. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the U.S. Special Operations Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

AMENDMENT NO. 4537

(Purpose: To express the sense of the Senate on the Transformational Medical Technology Initiative of the Department of Defense)

At the end of subtitle D of title VII, add the following:

SEC. 762. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative of the Department of Defense implements cutting edge transformational medical technologies and applies them to address the challenges of known, emerging, and bioengineered threats.

(3) The Transformational Medical Technology Initiative is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional approaches.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(2) innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

AMENDMENT NO. 4538

(Purpose: To provide for the enhancement of funeral ceremonies for veterans)

At the end of subtitle F of title V, add the following:

SEC. 587. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) SUPPORT FOR FUNERAL HONORS DETAILS COMPOSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

''(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

''(3) The support provided under this subsection may include the following:

''(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

''(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting ''and subsection (e)'' after ''paragraph (1)(A)''; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting ''(other than a requirement in subsection (e)'' after ''pursuant to this section''.

(b) USE OF EXCESS M–1 RIFLES FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.'';

(2) in subsection (c), by inserting after ''accountability'' the following: '', provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies'';

(3) in subsection (d)—

(A) in paragraph (2), by striking ''; or'' and inserting ''or fire department;'';

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3).''; and

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

''(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

''(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

''(2) is at least 18 years of age; and

''(3) has successfully completed a formal firearm training program or a hunting safety program.''.

AMENDMENT NO. 4303

(Purpose: To provide for the recovery and availability to the Corporation for the Promotion of Rifle Practice and Firearms Safety of certain firearms, ammunition, and parts)

At the end of subtitle F of title III, add the following:

SEC. 375. RECOVERY AND AVAILABILITY TO CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY OF CERTAIN FIREARMS, AMMUNITION, AND PARTS.

(a) IN GENERAL.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after the item relating to section 40728 the following new section:

''§ 40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries

''(a) RECOVERY.—The Secretary of the Army may recover from any country to which a grant of rifles, ammunition, repair parts, or other supplies described in section 40731(a) of this title is made under section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) any such rifles, ammunition, repair parts, or supplies that are excess to the needs of such country.

''(b) COST OF RECOVERY.—(1) Except as provided in paragraph (2), the cost of recovery of any rifles, ammunition, repair parts, or supplies under subsection (a) shall be treated as incremental direct costs incurred in providing logistical support to the corporation for which reimbursement shall be required as provided in section 40727(a) of this title.

''(2) The Secretary may require the corporation to pay costs of recovery described in paragraph (1) in advance of incurring such costs. Amounts so paid shall not be subject to the provisions of section 3302 of title 31, but shall be administered in accordance with the last sentence of section 40727(a) of this title.

''(c) AVAILABILITY.—Any rifles, ammunition, repair parts, or supplies recovered under subsection (a) shall be available for transfer to the corporation in accordance with the provisions of section 40728 of this title under such additional terms and conditions as the Secretary shall prescribe for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728 the following new item:

''40728A. Recovery and availability of excess firearms, ammunition, and parts granted to foreign countries.''.

AMENDMENT NO. 4539

(Purpose: To provide that the Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying military family housing units leased under the exception provided for United States Southern Command personnel to remain in such units while the soldier is assigned to a family-member-restricted area)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2814. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a housing unit leased under section 2828(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

AMENDMENT NO. 4423

(Purpose: To limit the availability of funds for certain purposes relating to Iraq)

At the end of title XIV, add the following:

SEC. 1414. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

AMENDMENT NO. 4316

(Purpose: To provide for the conveyance of land located in Hopkinton, New Hampshire)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2844. LAND CONVEYANCE, HOPKINTON, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Town of Hopkinton, New Hampshire (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 90 acres located at a site in Hopkinton, New Hampshire, known as the ''Kast Hill'' property for the purpose of permitting the Town to use the existing sand and gravel resources on the property and to ensure perpetual conservation of the property.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Town shall, subject to paragraph (2), provide to the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as

determined pursuant to an appraisal acceptable to the Secretary.

(2) WAIVER OF PAYMENT OF CONSIDERATION.—The Secretary may waive the requirement for consideration under paragraph (1) if the Secretary determines that the Town will not use the existing sand and gravel resources to generate revenue.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PROHIBITION ON RECONVEYANCE OF LAND.—The Town may not reconvey any of the land acquired from the United States under subsection (a) without the prior approval of the Secretary.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Town to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance of real property under subsection (a) as the Secretary consider appropriate to protect the interests of the United States.

AMENDMENT NO. 4407

(Purpose: To authorize $1,000,000 for the phase 1 construction of an air traffic control complex at Minot Air Force Base, North Dakota, and to provide an offset)

On page 502, in the table preceding line 1, strike ''$8,000,000'' in the amount column of the item relating to Minot Air Force Base, North Dakota, and insert ''$9,000,000''.

On page 503, in the table following line 10, strike ''$171,188,000'' in the amount column of the item relating to Minot Air Force Base, North Dakota, and insert ''$170,188,000''.

On page 504, line 23, strike ''$862,661,000'' and insert ''$863,661,000''.

On page 505, line 16, strike ''$1,183,138,000'' and insert ''$1,182,138,000''.

AMENDMENT NO. 4366

(Purpose: To provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space)

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called ''black space'') and the non-intelligence aspects of national security space (so-called ''white space'').

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

AMENDMENT NO. 4321

(Purpose: To exclude Minnesota's Northstar Corridor Commuter Rail Project from the Federal Transit Administration's medium cost-effectiveness rating requirement for Federal funding)

At the appropriate place, insert the following:

SEC. ____. FEDERAL FUNDING FOR FIXED GUIDEWAY PROJECTS.

The Federal Transit Administration's Dear Colleague letter dated April 29, 2005 (C–05–05), which requires fixed guideway projects to achieve a ''medium'' cost-effectiveness rating for the Federal Transit Administration to recommend such projects for funding, shall not apply to the Northstar Corridor Commuter Rail Project in Minnesota.

AMENDMENT NO. 4540

(Purpose: To provide for the availability of funds authorized to the South County Commuter Rail project, Providence, Rhode Island)

At the end of subtitle I of title X, add the following:

SEC. 1084. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

AMENDMENT NO. 4449

(Purpose: To require the Secretary of the Air Force to prepare an environmental impact statement or similar analysis for the beddown of F–22A fighter aircraft at Holloman Air Force Base, New Mexico, as replacements for retiring F–117A fighter aircraft)

At the end of subtitle B of title III, add the following:

SEC. 313. ENVIRONMENTAL DOCUMENTATION FOR BEDDOWN OF F–22A AIRCRAFT AT HOLLOMAN AIR FORCE BASE, NEW MEXICO.

The Secretary of the Air Force shall prepare environmental documentation per the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the beddown of F–22A aircraft at Holloman Air Force Base, New Mexico, as replacements for the retiring F–117A aircraft.

AMENDMENT NO. 4204, AS MODIFIED

On page 437, between lines 2 and 3, insert the following:

SEC. 1084. SENSE OF CONGRESS ON IRAQ SUMMIT.

SENSE OF CONGRESS.—It is the sense of Congress that the President should convene a summit as soon as possible that includes the leaders of the Government of Iraq, leaders of the governments of each country bordering Iraq, representatives of the Arab League, the Secretary General of the North Atlantic Treaty Organization, representatives of the European Union, and leaders of the governments of each permanent member of the United Nations Security Council, for the purpose of reaching a comprehensive political agreement for Iraq that addresses fundamental issues including federalism, oil revenues, the militias, security guarantees, reconstruction, economic assistance, and border security.

AMENDMENT NO. 4541

(Purpose: To require a report on planning by the Department of the Air Force for the realignment of aircraft, weapons systems, and functions at active and Air National Guard bases as a result of the 2005 round of defense base closure and realignment)

At the end of subtitle C of title XXVIII, add the following:

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for active and Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at active and Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(3) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each base; and

(4) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was considered as a potential receiving location for the realignment of aircraft, weapons systems, or functions.

AMENDMENT NO. 4337

Mr. REID. Mr. President, I appreciate very much that there has been consent to agree to my amendment No. 4337 on Congressional oversight of Iran policy. I would like to explain why I believe it is important that the Senate pass this amendment and sustain it in conference with the House.

Mr. President, we live in a dangerous time. The threats to our freedom are many.

As the administration embarks on serious diplomacy with Iran, the Senate must be engaged and consulted. We Senators must take seriously our responsibility to insist on a thorough review of the facts, a full debate of the threat, and full consultation as events move forward.

The amendment I propose today would help put in place the rigorous oversight necessary to hold the administration accountable for its rhetoric and its policy decisions.

Yesterday, Senate leadership met with State Department officials to get briefed on the details of the ''offer'' the administration laid on the table for Iran a few weeks ago. The meeting was welcome. I respect the hard work of Secretary Rice and Ambassador Burns in moving diplomacy forward. However, I am surprised the meeting happened several weeks after the deal was already offered. To the best of my knowledge, until yesterday, Congress had not been briefed on the key details of the deal offered to Iran a few weeks ago. The Iranians had been briefed. The Europeans had been briefed. The Russians and Chinese had been briefed. But not the United States Senate.

This reminds me of how the administration handled the proposed Indian nuclear deal, which Members first found out about from the Indian prime minister and the press, not from the Administration.

I am also reminded of the sales campaign that the administration engaged in, in the runup to war in Iraq. A sales campaign—rather than a serious effort to consult and treat Congress as a partner in figuring out how to protect America.

It makes the executive branch's job a lot tougher when Congress is consulted last, rather than first. Congress should be in the take off, not asked to join for the crash landing.

This amendment requires the administration to give Congress and the American people three things: an updated intelligence assessment of the threat of Iran, a clear statement of the President's policy objectives and strategy, and a confirmation that administration officials' public statements about the threat of Iran are being reviewed for accuracy.

These are reasonable requests to ensure a rigorous debate about the way forward. The amendment's adoption would increase the administration's information flow to Congress on Iran issues and improve the Senate's oversight in this important area of national security policy.

I would note that the House Armed Services Committee included parallel reporting requirements on the threat of Iran and the U.S. strategy for responding to it in its report on the House version of this bill. I trust that the conference of the two bodies will, in striving to reconcile these parallel reporting requirements, put the United States Congress on record in law about the importance of rigorous Congressional oversight of U.S. policy regarding Iran and the importance of the administration working in close consultation with Congress in this area.

AMENDMENT NO. 4528

Mr. ALLARD. Mr. President, I rise today to discuss amendment No. 4528. This amendment honors Representative JOEL HEFLEY, Congressman of Colorado's 5th district, for his outstanding service to the people of Colorado and to our Nation.

As you may know, Mr. President, Representative HEFLEY made the decision earlier this year to retire after 2 decades of service in Congress. This was a very difficult decision for him. He was the 3rd ranking Republican on the House Armed Services Committee and had garnered considerable influence because of his integrity and his respect of the legislative branch as an institution. He worked diligently over his 20 years in Congress and served the people of Colorado's 5th District well.

Representative HEFLEY was first elected to represent Colorado's 5th Congressional district in 1986 and has served in the House of Representatives since that time with distinction, class, integrity, and honor. As his current and former colleagues will attest, Representative HEFLEY is a fair and effective lawmaker who works for the national interest while never forgetting his Western roots.

For most of his two decades in the House, Representative HEFLEY poured his time and energy into the Committee on Armed Services of the House of Representatives. He served as chairman of the Subcommittee on Military Installations and Facilities from 1995 through 2000 and, since 2001, as chairman of the Subcommittee on Readiness.

Representative HEFLEY'S efforts on the Committee on Armed Services have instrumental to the military value of, and quality of life at, installations in the State of Colorado, Cheyenne Mountain, Peterson Air Force Base, Schriever Air Force Base, Buckley Air Force Base, and the United States Air Force Academy.

Representative HEFLEY was a leader in efforts to retain and expand Fort Carson as an essential part of the national defense system during the Defense Base Closure and Realignment process.

Representative HEFLEY has also consistently advocated for providing members of the Armed Forces and their families with quality, safe, and affordable housing and supportive communities.

Representative HEFLEY'S leadership on the Military House Privatization Initiative has allowed for the privatization of more than 121,000 units of military family housing, which brought meaningful improvements to living conditions for thousands of members of the Armed Forces and their spouses and children at installations throughout the United States.

In honor of Representative HEFLEY'S achievements and his work on military housing privatization, this amendment designates the military family housing areas at Fort Carson, Colorado in his name.

I served with Representative HEFLEY in the House of Representatives for 6 years before I was elected to the Senate. I consider him to be one of my closest colleagues in Congress and a dear friend. I have tremendous respect for his character and for his ability to get things done. He has been a champion for over two decades for the Colorado Springs community and for conservative values. I know that he will be sorely missed in the House of Representatives.

I believe Representative HEFLEY deserves the honor and recognition that this amendment provides. I am pleased my colleagues agreed to join me in adopting this amendment.

AMENDMENT NO. 4424

Mr. BIDEN. Mr. President, I appreciate the support of Chairman WARNER and Senator LEVIN in agreeing to accept amendment No. 4424 to S. 2766, which I have sponsored.

Section 1023 relates to a counternarcotics authority granted to the Department of Defense in the fiscal year 1998 Defense Authorization Act. P.L. 105–85, specifically section 1033 of that Act. The original provision, enacted in 1997, gave the Department authority to provide counterdrug support to the Governments of Peru and Colombia, including authority to transfer riverine patrol boats to those Governments, and to maintain and repair equipment used for counter-drug activities by those Governments. In recent years, the so-called 1033 authority has been expanded to cover the other countries in the Andes, and to Afghanistan and many of its neighboring states.

The bill now before the Senate would expand the list of eligible governments still further, to include a long list of countries in Asia, the Americas, and Africa. It also provides the Department the authority to transfer aircraft to eligible governments.

The amendment I have proposed to section 1023 would ensure that the transfer of aircraft is subject to section 484(a) of the Foreign Assistance Act of 1961, which requires that the United States retain title to aircraft made available to a foreign country primarily for narcotics-related purposes, unless the President makes a national interest determination and so notifies Congress. The requirement that such aircraft be made available only on a loan or lease basis has been the law for 20 years, since the enactment of the Anti-Drug Abuse Act of 1986, P.L. 99–570, and no good argument has been offered as to why it should not apply to Department of Defense programs. Simply put, the requirement strengthens the ability of the United States to make sure that the aircraft provided is used for the intended purpose.

In my view, section 484(a) already does apply to Defense Department counternarcotics programs. By its terms, it applies to any aircraft ''made available to a foreign country primarily for narcotics-related purposes'' under the Foreign Assistance Act of 1961 or ''under any other provision of law.'' This expansive statutory language makes clear that any U.S. Government agency providing aircraft to a foreign government for counterdrug purposes must retain title to that aircraft. Yet inquiries to the Department of Defense officials about whether the authority provided in section 1023 of S. 2766 would be governed by section 484(a) have proven inconclusive. So that there is no doubt about this question, I have proposed this amendment, which I understand the managers of the bill have agreed to accept.

AMENDMENT NO. 4364

Mr. DURBIN. Mr. President, I rise today to offer an amendment that would rename the Navy and Marine Corps Reserve Center at Rock Island, IL, in honor of Representative LANE EVANS.

Representative EVANS has been a tireless advocate of our men and women in uniform during his 24 years in Congress. Unfortunately, Congress will lose a great man when he retires at the end of this year, and we can honor him and his accomplishments by renaming the Navy and Marine Corps Reserve Center at Rock Island after him.

LANE EVANS came to Congress as a Marine Corps veteran, and military personnel and veterans were always on the forefront of his mind during his service on the House Committee on Armed Services and Committee on Veterans' Affairs. Throughout his career, Representative EVANS has fought to ensure that veterans receive the medical care they need and has provided outspoken support for individuals suffering from post-traumatic stress disorder and gulf war syndrome. Additionally, Representative EVANS is credited with bringing new services to veterans living in his congressional district. In particular, he was responsible for the development of outpatient clinics in the Quad Cities and Quincy, IL, as well as the establishment of the Quad-Cities Vet Center.

Representative EVANS also has worked to ensure that military personnel experience a smooth transition from active military service into the care of the Department of Veterans Affairs. Generations of veterans will continue to benefit from his hard work long after he has retired.

Representative EVANS has worked in conjunction with local leaders to promote the Rock Island Arsenal, and through his support, the facility has received new jobs and new missions. It is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative EVANS in order to commemorate his service to America's military personnel, its veterans, and his 17th Congressional district.

I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 4336

Mrs. HUTCHISON. Mr. President, Social Security numbers are included on all military identification cards including the service member, military spouse, and all dependents over the age of ten. In light of the recent theft of millions of veterans' personal information from the Department of Veterans Affairs, all federal agencies must take measures to protect crucial information. To this end, I have introduced an amendment that would require the Department of Defense to conduct a feasibility study on prohibiting the use of Social Security numbers on all military identification cards.

When the Department of Defense began using Social Security numbers on identification cards in 1967, identity theft was not a problem most Americans worried about. Electronic transactions were, for the most part, non-existent, and we did not have the kind of access to personal records that we have today. By simply gaining access to someone's Social Security number, a malicious person could attempt to open a line of credit, obtain a false driver's license or passport, or completely steal another person's identity. Our military men and women should not have to worry about these problems while defending our country.

We cannot wait until an incident occurs within the Department of Defense that compromises the security of our military members. The federal government must be proactive. The feasibility study I have proposed has a reasonable finish date of six months from enactment and would give the Department ample time to study this issue and find a self-imposed solution.

Social Security numbers are not included on driver's licenses or passports. Colleges and universities are using generic numbers for student identification rather than Social Security numbers. It is time the Department of Defense provides this important safeguard for our troops.

AMENDMENT NO. 4398

Mr. KENNEDY. Mr. President, I urge my colleagues to join me in supporting this amendment to ensure that the Defense Department invests in critical basic research and maintains the workforce it needs to stay globally competitive.

Our military is first in the world because of the quality and training of our personnel and the technological sophistication of our equipment and weaponry. But many of our Nation's best civilian scientific minds in the Defense Department are nearing retirement age, and our uncertain commitment to basic research funding makes it harder to attract a new corps of scientists to do this research.

Our amendment that the Senator from Maine and I are offering includes an additional $5 million for the Department's SMART Scholars Program which is essentially an ROTC program for its civilian scientists. The amendment will more than double the funding level provided last year and provide more than 100 full college scholarships and graduate fellowships in science, technology, engineering, and math.

Our amendment also adds $40 million to the Department's funding of basic research in science and technology to ensure that its investment in the field is maintained and our military technology remains the best in the world. The amendment is supported by more than 60 of the most prestigious institutions of higher education in the Nation.

Advances in military technology often have their source in the work of civilian scientists in Department of

Defense laboratories. Unfortunately, a large percentage of these scientists are nearing retirement. Today, nearly one in three DOD civilian engineers in science, technology, engineering, and mathematics is eligible to retire. In 7 years, 70 percent will be of retirement age.

It is distressing that the number of new doctoral level scientists being produced by our major universities each year has declined by 6 percent since 1997. Many of those who do graduate are ineligible to work on sensitive defense matters, since about a third of all science and engineering doctorate degrees awarded at American universities go to foreign students.

It is unlikely that retiring DOD scientists can be replaced by current private industry employees. About 5,000 science and engineering positions are unfilled in private industry in defense-related fields. The Department of Labor estimates that by 2012, more than 40 percent of jobs in science and engineering occupations will be unfilled.

We face a major math and science challenge in both higher education and in elementary and secondary education. We are tied with Latvia for 28th in the industrial world in math education, and that is far from good enough. We have fallen from 3rd in the world to 15th in producing scientists and engineers. Clearly, we need a new National Defense Education Act of the size and scope passed nearly 50 years ago.

At the very least, however, the legislation before us needs to do more to maintain our military's technological advantage. In 2004, over 100 ''highly rated'' SMART Scholar applications were turned down because of insufficient funding. Our amendment provides enough funds to support every one of those talented young people who want to learn and serve.

Our amendment also deals with the critical need to provide the basic research dollars that enable science and technology graduates and students to pursue their research. Basic research investments by the Defense Department in science and technology a generation ago helped the United States win the Cold War. But funding for basic research has fallen by more than 10 percent in the past decade.

Investing in basic research and attracting the best minds to science and engineering are as important today as they have ever been. Almost every day, you can pick up the paper and see yet another high-performing company setting up an R&D shop in India or China. Those countries get it. They know how important basic research is to their prospects for growth. But this Congress and this President ignore how important it is to invest in our talent and our research capacity.

China now graduates over 2½ times the number of engineers and computer science majors as the United States. We still have an edge in dollars invested, but our average annual investment growth in R&D is far less than China and other countries.

These countries are increasing their government investment in science and technology, but our Federal research investment is stagnating as a share of the U.S. economy. It has plateaued at 1.1 percent of GDP. We are still ahead of most other nations, but they are catching up. In combined Federal and private R&D, the fastest growing countries such as Ireland and Singapore are clearly challenging us.

Yet the President's proposed budget reduces Defense Department basic research, and this authorization bill does little to increase it over last year's appropriation, even though we know we have to increase it.

The Defense Science Board recommends that funding for science and technology reach 3 percent of total defense spending, and the administration and Congress have adopted this goal in the past. But the President's budget cuts science and technology funding by 18.6 percent and falls well short of this goal. The board also recommends that 20 percent of that amount be dedicated to basic research. Again, the administration's budget falls short: basic research accounts for only 12.6 percent of total science and technology funding.

Our leading economic and scientific thinkers are telling us we need to invest in these areas to stay globally competitive. The National Academy of Sciences, the Council on Competitiveness, and others say it is wrong to ignore the need to increase investment in basic research. Nobel prize-winners such as American physicist Steven Chu say that we need to increase Federal investment in long-term basic research because ''there are growing signs that all is not well.''

The Internet, the laser, MRIs, global positioning systems-all came from basic research at the Department of Defense. We can't forget that this type of research leads to the kinds of innovations that can generate millions of jobs and major new economic activity.

Our global competitiveness deserves high priority, and our amendment provides it. The goal is to see that American innovation grows and that we continue to attract and retain the best and the brightest men and women to these critical fields in math and science.

I urge my colleagues to join us in supporting this needed amendment to provide more scholarships to math and science students and to increase our Federal commitment to basic research at the Department of Defense.

LEGISLATIVE INTENT WITH REGARD TO EXPANDED NATIONAL GUARD AUTHORITIES

Mr. CONRAD. Mr. President, I thank Mr. LEVIN for agreeing to join me in this discussion of the legislative intent of the Senate in approving several provisions related to the integration between the Active-Duty military and the Reserve component. This bill will enhance the authority of the Department of Defense to achieve future total force integration between the Active-Duty and Reserve components. I would be grateful in the ranking member could explain in more detail the intent of section 531 of S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

Mr. LEVIN. Specifically, the changes contained in this bill will increase the efficiency of the Department of Defense's operations by allowing the Guard and Reserve to train and instruct other component members as an additional duty. It is desirable for Active Guard and Reserve, AGR, and technician members of the National Guard and Reserve to be able to train members of all components to the extent that these duties do not interfere with the performance of the member's primary duties. Currently, titles 10 and 32, United States Code, limit the efficiencies that can be realized by restricting the employment of AGRs and technicians to ''organizing, administering, recruiting, instructing, or training'' the Reserve components. This bill will expand the role of AGRs and technicians so that they may instruct and train members of any other component, and also DOD civilian employees, DOD contractor personnel, and foreign military personnel.

The changes included in this bill will also increase the Department's flexibility in using the Guard and Reserve to support certain operations or missions. It is the committee's belief that members of the Reserve and National Guard need increased flexibility to support certain operations or missions assigned in whole or in part to the Reserve, or undertaken by the National Guard at the request of the President or Secretary of Defense. This bill will facilitate the transformation of the National Guard and Reserve from a Cold War ''strategic reserve'' to a present day ''operational reserve.'' An ''operational reserve'' actively supports ongoing operational missions where appropriate, while also providing the additional reserve capacity needed to meet surge requirements or support wartime or contingency operations. These amendments would make some distinctions between the duties that may be performed, in addition to their primary duties, by Reserve AGRs and technicians and those that may be performed by Guard AGRs and technicians in title 32 status. Generally, full-time Reserve personnel would be permitted to support title 10 operational activities, while full-time Guard, including AGRs and technicians, would be permitted to perform operational activities if authorized by the President or the Secretary of Defense.

Mr. CONRAD. I thank the ranking member. These are very important expansions to the National Guard's role and will play an important part in allowing the Air Force to achieve its objectives for total force integration. It is my belief that the provisions included in this bill will permit, for example, the North Dakota Air National

Guard to provide a security forces squadron to augment the Active-Duty security forces in the ICBM field at Minot Air Force Base, assuming that the Secretary requests that they perform such a mission. Air Force Space Command is eager to begin this initiative and has secured funding for it in the Air Force Program Objective Memorandum. This unit would include both traditional guardsmen and AGRs and would augment, not replace, the Active-Duty security forces group currently assigned to the mission. I would encourage Secretary Rumsfeld to give serious consideration to requesting that the North Dakota Air National Guard augment the Active-Duty Air Force in carrying out this important operational mission, and I thank my colleagues for their time and their support.

KILLING OF U.S. SOLDIERS BY IRAQI SECURITY FORCES

Mrs. BOXER. This week, the military informed two California families that their sons were shot and killed by the very same Iraqi troops they were training.

SGT Patrick McCaffrey and 1LT Andre Tyson were killed near Balad in 2004. At first, the Army told the families that these two National Guardsmen were killed by Iraqi insurgents.

An investigation by the U.S. Army Criminal Investigation Command determined in September 2005 that both soldiers were shot and killed by members of the Iraqi security forces.

In addition to the fact that Iraqi security forces are killing U.S. soldiers, this situation raises several troubling questions.

First, according to his parents, there were two prior incidents in which Sergeant McCaffrey was fired upon by Iraqi security forces and the chain of command took no action. Why was nothing done? Are there other incidents where American troops are being shot at by the Iraqi forces they are training?

Second, why did the Army close its investigation in September 2005 but fail to inform the family until June 2006? Was there a coverup of this incident? What other explanation could there be?

Third, why were the families denied official government reports on the events that led to the deaths of these two soldiers? One of the families needed the help of my office to make any progress in learning the truth. How could the Army treat the families of dead soldiers in such a callous and dismissive way? Where are the military case officers who are supposed to help the families of slain U.S. soldiers?

And, fourth, a Defense Department spokesmen has called this incident ''extremely rare.'' How can the Department of Defense conclude that the incident is rare when such incidents are evidently not being reported up the chain of command? Members of Sergeant McCaffrey's unit told his father that insurgents were offering Iraqi soldiers about $100 apiece for each American they could kill.

I ask the Senator from Michigan, is he willing to work with me to get answers to these troubling questions?

Mr. LEVIN. I share the Senator's concern and will work with her to address these important questions.

Mr. COBURN. Mr. President, the Senate today accepted three amendments that I offered to S. 2766, the National Defense Authorization Act for Fiscal Year 2007, intended to improve transparency and accountability of taxpayer funds provided to the Department of Defense.

Amendment No. 4370 addresses the practice of the earmarking of Federal funds by members of Congress. ''Earmarks,'' more commonly known as ''pork projects,'' are provisions inserted into bills or directives contained within a joint explanatory statement or reports accompanying bills specifying the identity of an entity, program, project or service to receive assistance.

Many Congressional earmarks inserted within Defense appropriations bills are not needed, or even wanted, by the Pentagon. Just this week, the Washington Post published an article titled, ''The Project That Wouldn't Die; Using earmarks, members of Congress kept money flowing to a local company that got $37 million for technology the military couldn't use.''

Earmarks contained within Defense appropriations bills have been linked to a number of recent Congressional corruption and ethics probes. Convicted super-lobbyist Jack Abramoff openly boasted that earmarks were his political currency and he called the Appropriations Committee that doles them out a ''favor factory'' for lobbyists.

The $80 billion emergency supplemental passed last year was riddled with add-ons. It included $10 million to expand wastewater facilities in Swiftwater, PA. The University of Texas Southwestern Medical Center got $3 million. A wastewater treatment plant in Desoto County, MS, got $35 million, and $4 million went to the Fire Sciences Academy in Elk, NV. While these many have been local priorities for these communities, it is difficult to argue that they are needed for our national defense.

In its report on its fiscal 2001 Defense appropriations bill, the Senate Appropriations Committee wrote: ''The committee understands that medical studies indicate the potential benefits of cranberry juice and other cranberry products in maintaining health. The committee urges the Secretary of Defense to take steps to increase the department's use of cranberry products in the diet of on-base personnel and troops in the field. Such purchases should prioritize cranberry products with high cranberry content such as fresh cranberries, cranberry sauces and jellies and concentrate and juice with over 25 percent cranberry content.''

Most Americans do not support earmarking Federal funds, especially for such dubious purposes that serve parochial interests at the expense of our national defense. A recent Wall Street Journal/NBC News poll, in fact, found that of all the issues facing our nation, curtailing earmarks was identified as ''the single most important thing for Congress to accomplish this year.''

The number of earmarks in Defense appropriations laws has grown from about 587 in fiscal year 1994 to about 2,847 in fiscal year 2006, according to a recent report by the Congressional Research Service, CRS. The amount of money earmarked has increased over the same period, from about $4.2 billion to $9.4 billion. The amount earmarked as a percentage of the total in the Defense appropriations bill has correspondingly increased from about 1.8 percent in 1994 to approximately 2.4 percent in 2006.

While we can determine the total number of earmarks and the actual pricetag of each, we have no way of calculating the hidden cost of earmarking, which includes staff time and administration expenses.

Specifically the amendment accepted today requires the Department of Defense to report annually: The total annual cost of earmarking in Defense appropriations bills; the purpose and location of each earmark; an analysis of the usefulness of each earmark in advancing the goals of the Department of Defense. This will provide Members of Congress a more complete view of the cost effectiveness of each project and if such projects warranted continued funding.

This annual report will provide Congress and the public a more complete understanding of the total cost of ''pork'' to the Department of Defense.

The earmark grading system will, likewise, provide needed information to lawmakers and the public about projects inserted into bills that have not had proper oversight, debate or discussion. This added transparency will ensure that every Member of Congress can cast a truly informed vote and ensure greater accountability for how Federal funds are allocated and hopefully return some integrity to the appropriations process that has been undermined by recent investigations into earmarking.

My second amendment, No. 4371, accepted by the Senate today seeks to end the practice of Defense contractors being rewarded for poor performance. The Department of Defense has been improperly paying awards and incentives to contractors that do not fulfill the terms and conditions of their contracts. These are intended to be paid only for outstanding performances on contracts but are routinely paid out without regard to performance.

In a recent study conducted by the Government Accountability Office, GAO, DOD paid out at least $8 billion in fees over 4 years, the vast majority of which were not earned and were improperly awarded. This of course, was just a small fraction of the overall

total of award fees given out to contractors every year.

My amendment seeks to end this process and require performance as a prerequisite for award fee bonuses. My amendment specifically requires that a contractor cannot receive an award fee unless the contractor has met the basic requirements of the contract.

This amendment has the potential to save the Federal Government billions of wasted tax dollars every year and improve contractor performance.

The third amendment, No. 4491, as modified, will require DOD's Defense Travel System, DTS, to transform its ''cost plus'' contract to a fee-for-use-of-service system similar to the private sector travel reservation systems currently available in the marketplace.

DTS was initiated in 1998 DTS and intended to make travel arrangements for the military service branches and defense agencies. It was supposed to be fully deployed by 2002. However, that date has been pushed back to September 2006—a delay of over 4 years—and has cost the American taxpayer $474 million—a staggering $200 million more than it was originally projected to cost.

DTS has a long record of failure. In July 2002, the DOD inspector general released a report on DTS which highlighted numerous concerns with the program and stated that DTS was being ''substantially developed without the requisite requirements, cost, performance, and schedule documents and analyses needed as the foundation for assessing the effectiveness of the system and its return on investment.'' Following on that IG report, DOD's office for Program Assessment and Evaluation prepared a report recommending termination of the program.

In January 2006, GAO reported that ''DTS's development and implementation have been problematic . . . thus it is not surprising that critical flaws have been identified, resulting in significant slippages between the planned and actual deployment dates of the system'' and that selected requirements for display of flights and airfares found that system testing was ''ineffective in ensuring that the promised capability was delivered as intended.''

This means that not only is DTS not performing, the current system is incapable of testing properly in order to determine what is required in order to meet DOD's plan.

Further, DOD could not prove that DOD travelers even had access to the flights that were available for travel. There is no doubt such a flaw would have produced higher travel costs.

Compounding this problem is the fact that some DOD agencies continue to use the existing legacy travel systems at locations where DTS is already deployed. This means that all of the proclaimed savings that DTS was supposed to reap are nowhere to be found—because DOD continues to use legacy systems to do the same thing.

As originally envisioned, DTS was supposed to be a pay-for-use-of-service system in which the DTS was paid by the government based only on the extent to which the system was used—thereby creating an incentive for DTS to be a cost effective travel reservation system for the Department of Defense.

This amendment requires the Department of Defense to honor the original intentions of the DTS contract. Within a year of enactment of this bill, DTS will be required to utilize a fee-for-use-of-service system. The funds raised through fees charged will be used by DTS to pay for its operational and maintenance costs as the system is slated to be fully developed and deployed by September 2006. DTS will be required to: (1) levy a one-time, fixed price service fee per DOD consumer using the system, and (2) charge an additional fixed fee for each transaction.

Together these three amendments ensure greater transparency and accountability of Federal funds and ensure taxpayers and our men and women in service are guaranteed that the funds we are spending on the defense of our Nation are better spent.

I would like to thank Chairman WARNER and his staff and look forward to continuing to work with them on these issues as this bill goes to conference.

Mrs. LINCOLN. Mr. President, today I offered an amendment on behalf of the brave men and women of our National Guard and Reserve who have sacrificed so greatly for our freedom. This amendment would allow members of the Selected Reserve who have been activated for extended durations to utilize some of the educational benefits they have earned once they separate from service.

Since World War II, providing educational benefits to returning servicemembers has served an invaluable role in stimulating recruitment and retention for our armed services. In assisting veterans readjusting to civilian life, these educational benefits have also enhanced our Nation's competitiveness through the development of a more highly educated and productive workforce.

When the Montgomery GI bill was signed into law in 1984, members of the Selected Reserve—members of the National Guard and Reserve on active status or performing initial Active Duty training—were seldom mobilized. Consequently, standard Montgomery GI Bill benefits reflected that reality. That is not the same reality today.

More than 500,000 members of the National Guard and Reserve have been called up since the terrible events of September 11, 2001, and more than 70,000 have pulled two or more tours of duty. In my State of Arkansas, nearly 3,400 of our National Guard's 39th Infantry Brigade were called to serve in Operation Iraqi Freedom. These citizen soldiers served with distinction and did so in some of the worst conditions imaginable. While their families and their communities have welcomed them home with open arms, our Nation should do the same by ensuring they receive the benefits and services they need as they transition back to their civilian lives.

The rising price of higher education, increases in the interest rates on student loans, and the limited earnings ability of those who return from the service with only high school credentials make educational benefits a primary means of helping members of the Selected Reserve make that transition. In addressing this issue, Congress took a step in the right direction in October 2004 with creation of the Reserve Education Assistance Program. This program provided enhanced Montgomery GI bill benefits for members of the Selected Reserve who were activated since September 11, 2001, and mobilized for more than 90 days in response to a contingency operation—a war or national emergency as declared by the President or Congress.

Although increasing benefits was a step in the right direction, it did not address the lack of a readjustment or transition component to these educational benefits. As a result, Active-Duty servicemembers have up to 10 years after their separation of service to utilize their MGIB benefits, while members of the Selected Reserve must forfeit all of the educational benefits they have earned once they separate from the Selected Reserve. Montgomery GI bill benefits continue to be the only benefit that those who have served Selected Reserve activated duty in the war on terrorism may not access when they eventually separate or retire.

For example, a young man enlists in the Arkansas National Guard for a 6-year commitment after graduating from high school in 2001. He is mobilized in June 2005 and will return home from Iraq in September 2006, a 15-month mobilization. He plans to complete his service in June 2007 and use the Montgomery GI bill benefits he earned during his mobilization to attend the University of Arkansas. Under current law, he would forfeit all of these benefits once he leaves the Guard. I believe our young men and women who have fulfilled their service obligations deserve better than that.

Specifically, my amendment would allow members of the Selected Reserve to have portability of their chapter 1607 Montgomery GI bill benefits for up to 10 years from their last date of service. To clarify, this amendment applies only to their chapter 1607 benefits—those they have earned through activated service—and not their standard Selected Reserve educational benefits, chapter 1606 benefits.

Some have raised concerns that this amendment would have an effect on retention because it would provide a post-service portability of benefits. I disagree. There are many valid personal and family reasons that influence a volunteer's decision to serve. Military analysts have consistently noted that reenlistment bonuses in lump-sum cash payments have been effective in

meeting or exceeding reenlistment goals in the Active and Reserve Forces, not the educational benefits that are deferred over time.

Further, there is a built-in incentive to continue serving in the Selected Reserve because reenlistment or extension in the Guard and Reserve enables the servicemember to retain their standard Selected Reserve Montgomery GI bill benefits under chapter 1606 with the potential to acquire more chapter 1607 benefits through successive activations. If they reenlist, they would also remain eligible for any other educational ''kickers'' such as Federal tuition assistance and state Guard or Reserve educational benefits.

Young high school graduates thinking about furthering their educations and whether to join the Guard or Reserve should know that they will earn Montgomery GI bill benefits by joining the Reserves and even more if they are called up. When it is time to reenlist, they can keep all earned educational benefits by staying in or can take with them into civilian life the benefits they earned when they were called up to defend our Nation.

As the daughter of a Korean war veteran, I was taught from an early age about the sacrifices our troops have to make to keep our Nation free and have been grateful for the service of so many of our brave men and women from the State of Arkansas and across the Nation. On behalf of them and their families, I will continue to fight to ensure they are provided with the benefits, pay, and health care that they have earned. I urge my colleagues to support this amendment. It is the least we can do for those whom we owe so much and to reassure future generations that a grateful nation will not forget them when their military service is complete.

Mr. NELSON of Florida. Mr. President, the National Defense Authorization Act for Fiscal Year 2007 includes a provision that would repeal section 5062(2), title 10, United States Code that requires the Navy to keep a minimum of 12 operational aircraft carriers in the fleet. As many of my colleagues know, I oppose this repeal. I am convinced that as a nation at war, we should not increase our strategic risk by reducing our ability to place U.S. naval aviation anywhere and at any time as may be required to respond to crises around the world.

Although this bill would repeal the 12-carrier minimum requirement, the Armed Services Committee was clear that we should not allow our carrier fleet to fall dangerously lower than 11 ships. I believe strongly that the size and capability of our carrier fleet is a matter of highest national concern. Once mothballed, scrapped, or a combat loss, a carrier is extremely difficult and expensive to replace. The Nation needs 12 carriers for worldwide presence and crisis response. Congress should support a funding program to ensure that we achieve and sustain that level as soon as practical.

As concerned as I am about reducing the size of our carrier fleet, I am equally concerned about the risk of failing to adequately disperse them. Stationing all our Atlantic coast carriers in a single port only compounds the challenges we will face with a smaller fleet. I am not alone in that assessment. The former Chief of Naval Operations, ADM Vernon Clark, told the Armed Services Committee in February 2005 that in his view, ''overcentralization of the [carrier] port structure is not a good strategic move . . . the Navy should have two carrier-capable home ports on each coast.'' Admiral Clark went on to say, ''. . . it is my belief that it would be a serious strategic mistake to have all of those key assets of our Navy tied up in one port.''

As recently as March this year, Deputy Secretary of Defense and former Secretary of the Navy, Gordon England, testified to this committee that the Navy needed to disperse its Atlantic coast carriers saying, ''My judgment is that [dispersion] is still the situation . . . a nuclear carrier should be in Florida to replace the [USS *John F.*] *Kennedy* to get some dispersion. '' Secretary England explained that, ''the concern there was always weapons of mass destruction. Even though carriers were at sea, the maintenance facilities, et cetera, are all still there and the crews . . . so having some dispersion would be of value to the Department of the Navy.''

At the same hearing, Vice Chairman of the Joint Chiefs of Staff, ADM Edmund Giambastiani, shared his own judgment that we should disperse our carriers. He illustrated his sense of risk to the Nation's east coast carriers when he recalled his own visit to Norfolk one Christmas, ''where we had five aircraft carriers all sitting next to one another, and that is not something we'd like to routinely do.''

I am opposed to cutting our Nation's aircraft carrier fleet as a matter of strategic necessity during time of war. The risk, in my view, is unacceptable. As a matter of protecting our smaller carrier force, I am convinced that the Nation must establish a second Atlantic coast nuclear carrier base as quickly as possible. An environmental impact study in 1997 found Naval Station Mayport, FL, current home of the USS *John F. Kennedy*, suitable to permanently station a nuclear aircraft carrier. The Navy should complete its update of that study as quickly as possible. Additionally, in order not to lose any time once the study is complete, the Navy should include funding in its fiscal year 2008 Future Years Defense Program to begin building the maintenance and support facilities necessary to stationing a nuclear aircraft carrier at Naval Station Mayport. Availability of these funds should naturally be contingent upon but timed in the budget's outyears to coincide with the completion of an updated environmental impact study. I look forward to working with my colleagues on both these vital issues.

Mr. AKAKA. Mr. President, at the outset, I have and I will continue to support our military personnel in Iraq and Afghanistan. They deserve no less than our complete backing.

I recently returned from visiting Iraq, where I had the honor of meeting with our troops and visiting with Iraqi officials. I left with a deep admiration for the spirit of our fighting men and women who continue to give their all under very difficult circumstances. I was also impressed by the willingness of many Iraqis to put themselves in harm's way as they dedicate their lives to the future of their Nation. However, I continue to harbor grave concerns over the current situation in Iraq and the President's strategy for fighting the Iraq conflict.

So far, more than 2,500 Americans have died and 18,000 have been wounded. We owe it to both our honored dead and wounded to ensure that their sacrifices were not in vain and that we successfully accomplish our mission in Iraq and Afghanistan. However, as I have said from the beginning of this conflict, we need a clear understanding of what the mission is, what is needed to accomplish the mission, and the true accounting of the cost of the mission.

It is time for the President to tell Congress, the American public, and most importantly, the families of our fallen heroes and the men and women in the Armed Forces what is his exit plan. Instead, we only get vague assertions such as in the President's address to the Nation a year ago at Fort Bragg in which he said: ''. . . our strategy can be summed up this way: As the Iraqi's stand up, we will stand down.'' What this country needs now is a detailed exit strategy that puts the Iraqi Government and its people on the path to controlling their own destiny.

It is not clear why we went to war, what we are trying to achieve, and how we will measure success. There are many of us who believe that we went into Iraq for the wrong reason: because the President and his advisers miscalculated or misrepresented the threat. And now that we are there, the President continues to come up with new reasons for staying. Before the war, President Bush said we needed to remove Saddam Hussein's weapons of mass destruction. It turned out there were none. Faced with the absence of weapons of mass destruction, the administration has argued that our presence in Iraq is necessary to protect the United States from acts of global terrorism and to ensure that Iraq successfully transforms into a stable democracy.

As Brian Jenkins of the RAND Corporation, one of the country's most noted terrorism experts, has written, ''Taking the fight to terrorists abroad—as America did by invading Afghanistan and by continuing efforts against terrorists worldwide—makes sense. But Iraq is a separate and special case, because many of the combatants killed or captured by American

and allied forces in Iraq are insurgents created by opposition to the U.S. invasion itself.'' It is my understanding that terrorist cells have become even more decentralized since the war in Iraq, spreading to many corners of the globe. Islamic extremists in Iraq are reportedly training Taliban and al-Qaida fighters. Furthermore, Brigadier General Robert Caslen says that 30 new terrorist groups have been created since 9/11, and ''we are not killing them faster than they are being created.'' Even Defense Secretary Rumsfeld admits that the United States is not winning the battle of ideas over the terrorists.

A week ago, President Bush justified our presence in Iraq by stating that our mission now ''is to develop a country that can govern itself, sustain itself, and defend itself, and a country that is an ally in the war on terror. While I support building a strong democracy in Iraq, I am still very concerned that the number of troops stationed there stands in the way of the Iraqi people developing their own nation.

If we remain in Iraq without a clear exit strategy, I believe that the situation there will worsen. Iraq is a country that is becoming more polarized along ethnic and sectarian lines. The December elections for a new National Assembly were dominated by the religious-based political parties.

Furthermore, the Iraqi public's perception of the economy is becoming increasingly pessimistic. The social situation in Iraq is just as disheartening. As a recent Pentagon report notes, we have spent almost $1 billion in electricity projects and are planning an additional $1.1 billion, but the gap between demand and supply is growing.

The price for not having a clear exit strategy is being borne by the American taxpayer and future generations of Americans who will truly pay the cost of this war. So far, the United States has spent about $40 billion for Iraqi reconstruction and much of that has been wasted. For example, instead of building 142 health centers in Iraq, only 20 clinics have been completed at a cost of $200 million. In addition, former Deputy Secretary of Defense Paul Wolfowitz confidently promised the Congress a week after the war had started that ''. . . we're dealing with a country that can really finance its own reconstruction, and relatively soon.'' His economic projections were exceptionally faulty. Americans are paying inflated prices for Iraqi reconstruction projects that are only partially complete, instead of Iraqi oil revenues paying for Iraqi reconstruction.

The President's policy gives the Iraqis veto power over when American troops withdraw. Whether our troops remain there, should not be subject to an Iraqi veto. Making the departure of U.S. troops dependent on the Iraqis places the health and welfare of our brave men and women at the mercy of Iraqi decisions.

When I spoke with Iraq's National Security Adviser, Dr. Mowaffak Rubaie, he shared his view that the removal of foreign troops will legitimize Iraq's Government in the eyes of its people. In my view, a phased withdrawal of American troops will encourage the Iraqi Government and military to take responsibility for their future. In addition I support maintaining sufficient security forces to continue training the Iraqi military, sufficient security forces to protect the continued American civilian presence, and sufficient security forces to attack al-Qaida terrorist networks. The result will be a strengthened, not weakened, Iraqi Government and military.

I agree with the President when he said that ''success in Iraq depends upon the Iraqis. If the Iraqis don't have the will to succeed, they're not going to succeed. We can have all the will we want, I can have all the confidence in the ability for us to bring people to justice, but if they choose not to . . . make the hard decisions and to implement a plan, they're not going to make it.''

We must empower the Iraqis to defend and govern themselves. For that reason, phased withdrawal is the only road to success.

Mr. President, some say that asking this administration to provide a plan detailing the eventual withdrawal of our troops from Iraq demonstrates a lack of courage. To me, it takes courage to do what is right for our Nation and for Iraq. What is right for our Nation is to establish an exit strategy to bring our troops home to their families. What is right for Iraq is to empower them to control their own destiny.

Mr. PRYOR. Mr. President, I wish to speak about an amendment I offered to the 2007 Defense authorization bill that would be very beneficial to the members of our Reserve Component. The amendment would award them 15 days of paid leave at the end of their deployment, provided they have been deployed more than 6 months and have been deployed in a combat zone. The members of the Reserves and National Guard face a different situation and different challenges when they return from combat than do those on active duty because they return to civilian life and civilian jobs almost immediately. In many cases I believe it happens too soon, primarily for financial reasons.

The need to return to their jobs as soon as possible means Reservists and Guardsmen have little or no time to make what can be a difficult adjustment. Combat experiences may never be forgotten, especially by those who are not professional soldiers, but a chance to begin to do so, to talk to people if that seems appropriate, would be very helpful. Post Traumatic Stress Disorder is a very real disability. We must do whatever we can to help our citizen soldiers avoid it. And to help those who get it despite our efforts.

The experiences of our combat soldiers are stressful at best, debilitating at worst. I believe 2 weeks to readjust, to spend time with their families, and to make whatever preparations are necessary would be tremendously helpful and very well deserved. These men and women have left their families and their jobs to serve our country overseas for extended periods at great personal sacrifice. Two weeks of paid leave would relieve the financial pressure to return to work immediately. I believe not only the soldiers would benefit, but so would the employers and coworkers. They would at long last regain an employee who has had time to adjust and is ready to become a productive worker again. So the benefits would not go solely to the soldiers and their families.

This is an important amendment, one that would help soldiers, their families, and their communities around the nation. I believe it deserves to be included in the Defense authorization bill, and I ask my colleagues for their support.

Mr. BIDEN. Mr. President, last Thursday, we passed by a 99-to-1 vote an emergency spending bill to support our troops in Iraq and Afghanistan and provide relief to the victims of Hurricane Katrina. Unfortunately, behind closed conference doors, a key provision of both the House and Senate versions was stripped out—an amendment, introduced by Representative BARBARA LEE and myself, that would bar any funds from being used to establish permanent U.S. military bases in Iraq or to control Iraq's oil.

I voted to support our troops, though I was surprised that my amendment was removed in conference after not a single Senator spoke against it during the floor debate. By removing the ''no permanent bases'' amendment, we make life more difficult for our men and women in uniform and undercut our Nation's broader effort against terrorism. So I am happy that my amendment has now been accepted as part of the Defense authorization bill.

It is straightforward, clear, and simple: It affirms that the United States will not seek to establish permanent military bases in Iraq and has no intention of controlling Iraqi oil. I will repeat what I said 6 weeks ago: While it may be obvious to Americans that we don't intend to stay in Iraq indefinitely, such conspiracy theories are accepted as fact by most Iraqis. In an opinion poll conducted by the University of Maryland in January, 80 percent of Iraqis—and 92 percent of the Sunni Arabs—believe we have plans to establish permanent military bases. The same poll found that an astounding 88 percent of Sunni Arabs approve of attacks on American forces.

Why do Iraqis believe we want permanent bases? Why do they think we would subject ourselves to the enormous ongoing costs of Iraq in blood and treasure? Do they think we want their sand? No, they think we want their oil. To my mind, the connection between these two public opinion findings is incontrovertible.

Before you dismiss these as simple conspiracy theories, remember what Iraqis have been through in the past three decades: three wars and a tyrannical regime that turned brother against brother and made paranoia a way of life. And there is a longer history, too: 400 years of British and Ottoman occupation have led to a deeply ingrained suspicion of a foreign military presence.

These views extend well beyond Iraq. In a 2004 Pew Charitable Trust survey, majorities in all four Muslim states surveyed—Turkey, Pakistan, Jordan, and Morocco—believed that control of Mideast oil was an important factor in our invasion of Iraq. Our enemies understand the boon these misconceptions provide to their recruiting efforts and use them as a rallying cry in their calls-to-arms. Last year, in a letter intercepted by the U.S. military, Ayman al-Zawahiri, the deputy leader of al-Qaida, wrote to the recently killed Jordanian terrorist Abu Musab al-Zarqawi: ''The Muslim masses . . . do not rally except against an outside occupying enemy.''

Our military and diplomatic leaders understand that countering this vicious propaganda requires clear signals about our intentions in Iraq. And they have done just this: GEN George Casey, the ground force commander in Iraq, told the Committee on Armed Services last September: ''Increased coalition presence feeds the notion of occupation.'' At the same hearing, GEN John Abizaid, the commander of all U.S. troops in the Middle East, told Congress: ''We must make clear to the people of the region we have no designs on their territory or resources.'' In March, the American Ambassador to Iraq, Zalmay Khalilzad, told an Iraqi television station that the United States has ''no goal in establishing permanent bases in Iraq.''

Unfortunately, this clarity has been clouded by mixed messages from the senior-most decision-makers in the Bush administration: To my knowledge, President Bush has never explicitly stated that we will not establish permanent bases in Iraq. And both the Secretary of Defense and the Secretary of State have left the door open to do just that. On February 17, 2005, Secretary Rumsfeld told the Committee on Armed Services: ''We have no intention, at the present time, of putting permanent bases in Iraq.'' ''At the present time'' is not exactly an unequivocal statement.

On February 15, 2006, at the Senate Foreign Relations Committee hearing, Senator KERRY asked Secretary Rice: ''Is it, in fact, the policy of the administration not to have permanent bases in Iraq?'' Rather than answering the simple one word, ''Yes,'' Secretary Rice said during a 400-word exchange on the question: ''I don't want to in this forum try to prejudice everything that might happen way into the future.'' Just last Thursday, columnist Helen Thomas asked the White House Press Secretary to unambiguously declare that the United States will not seek permanent bases in Iraq. Again, the Press Secretary could not unequivocally declare this to be the case.

These mixed messages are confusing to the American people and the Iraqi people alike. They feed conspiracy theories and cede rhetorical space to our enemies. They make it that much more difficult to win the battle for the hearts and minds of 1.2 billion Muslims in the world. Our success in that battle will determine our success in the struggle between freedom and radical fundamentalism. Against this backdrop, I believe that it is incumbent upon us to speak where the administration has not.

My amendment will have no detrimental effect on the military operations of our Armed Forces in Iraq or their ability to provide security for Iraqi oil infrastructure. United Nations Council Resolution 1546 recognizes that the American and coalition forces are present in Iraq at the invitation of the Iraqi Government and that their operations are essential to Iraq's political, economic, and social well-being. In his first speech to the Iraqi Parliament last month, Prime Minister Nuri al-Maliki endorsed that resolution. We are anxious for the day when Iraqis can take control of their own destiny, but the Iraqis are suspicious of our intentions and are growing increasingly impatient.

This amendment may not in itself change a lot of minds on the ground or in the region, but it can mark the beginning of a sustained effort to demonstrate through words and deeds that we have no intention of controlling Iraq's oil or staying there forever. I believe it is our duty to do so.

Mr. REID. Mr. President, I thank the chairman and the ranking member of the Armed Services Committee for working with my office and Senator ENSIGN's office on scaling back the new exceptions to the Berry amendment—the Buy American rules—that were ultimately included in this legislation. The changes to narrow the language as originally proposed go a long way toward addressing the concerns of the U.S. specialty metals industry, including titanium production in Nevada. So again I thank the chairman and ranking member for working with us on these changes.

Still, I have concerns about provisions in this bill that were adopted as part of amendment 4286 on June 15 that weaken the Buy American provisions of the Berry amendment. I know this is not the intention of the Senate or the committee, but I am concerned that we may be opening a door to the use of foreign specialty metals in production of U.S. military equipment that is very dangerous, and we may have started down the proverbial slippery slope.

Right now, due in no small part to the policy of the Berry amendment, the United States has the most sophisticated titanium and specialty metals sector in the world. The Berry amendment policy is good national policy because these are materials that a modern military must have, and so we need to maintain a robust domestic manufacturing capability to meet our national security needs.

My starting point, then, and I know the Senators agree, is that we need strong Buy American provisions for purchases of specialty metals from the Defense Department. There have been some complaints about administrability—some of which are legitimate but some of which unfortunately I think may be driven by opponents of Buy American rules in and outside the administration.

I think the legitimate concerns can and should be addressed with some minor tweaking and appropriately limited waivers. If material of the right quality or grade is not available in the United States, the Pentagon could exercise its existing waiver authority. We could pass legislation that could improve that authority. If lax enforcement has led to a buildup in foreign inventories, we could create a temporary ''get well period.'' If a few off-the-shelf items should not be included under the Berry amendment, let's figure out what they are and exempt them.

But I worry we have gone much further than that. The Senate's bill introduces a number of new concepts that I am not sure we fully understand individually, and I am very concerned we do not understand how all of these different concepts will interact together.

Let me be clear about one thing. Outside of the U.S. companies, there is only one other worldwide producer of aerospace-quality titanium. In other words, one titanium company in the whole world will get the new U.S. defense business from weakening the Buy American provisions of the Berry amendment. That company is a Russian company called VSMPO. It was built by the Government of the Soviet Union, later privatized, and recently the Government of Russia has indicated that it intends to take a controlling share of the company.

That is right, the Kremlin intends to take a large ownership position in this company. This is the same Kremlin that used access to energy supplies to try to bully the Ukraine as an intimidation tactic. I have a series of newspaper articles on VSMPO and its relation to the Russian Government and I will ask unanimous consent that they be printed in the RECORD.

The administration has talked about needing to change the Berry amendment and has said that it wants greater ''commercial and military integration.'' But, I am concerned that if it is not appropriately narrow, changes to the Berry amendment will create greater ''Kremlin-Defense integration.'' So if this new language would have the result of increasing U.S. dependence on Russian titanium producers, I think it would be terrible military and defense policy.

I hope that as the bill moves forward, we will have an opportunity to take a closer look at these provisions and narrow them even further. Perhaps some concepts we will determine deserve to be dropped altogether.

I ask unanimous consent that the articles to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KREMLIN CAPITALISM

RUSSIAN CAR MAKER COMES UNDER SWAY OF OLD PAL OF PUTIN

A TIGHT CIRCLE IN GOVERNMENT IS DRAWING KEY INDUSTRIES INTO THE STATE'S ORBIT

FRICTIONS WITH PARTNER GM

(By Guy Chazan)

MOSCOW.—Last December, the head of Russia's state arms-trading agency emerged from the shadows as one of the country's most powerful businessmen. Aided by 300 heavy armed police, he took control of Russia's largest auto maker.

His agency had no experience running a car company, nor did it own any shares of this one, OAO Avtovaz, producer of the ubiquitous Lada. But the chief arms trader, Sergei Chemezov, had one invaluable asset: He is an old friend of Russia's president, Vladimir Putin.

Mr. Chemezov says he has known Mr. Putin since the two were KGB agents in the 1980s. He acknowledges that his ties give him a leg up in business. ''It means we can get a lot of issues resolved fast,'' he says.

Since being tapped in 2004 to run the arms-export business, Mr. Chemezov has been using his unique access to turn the state agency, called Rosoboronexport, into a conglomerate with interests ranging from to oil-drilling gear to cars. Its newest target is one of the world's largest titanium producers, a critical supplier for Airbus and Boeing Co.

Rosoboronexport is one of several fast-growing companies headed by friends of Mr. Putin that embody his particular brand of state capitalism. Across Russian industry, private capital is in retreat as state-controlled entities ride a wave or consolidation and confiscation to dominate oil, gas, aviation, engineering and other sectors Mr. Putin deems strategic.

It's a process with strange echoes of the past. In the 1990s, a generation of aggressive young businessmen used connections to snap up assets at rigged privatization auctions. Now, some of Mr. Putin's closest associates are taking advantage of their proximity to the Kremlin to build up similarly huge, although nominally state-owned business empires.

Their growth worries the few outspoken advocates of market-oriented policies left in the top ranks of the Putin government. We do not have enough ways and means to keep track of state-controlled firms, many of them monopolies, as they grab market assets,'' said Economics Minister German Gref at a conference in April.

Long noted for graft and inefficiency, Russian state-owned behemoths increasingly have become tools of government policy. In January, gas monopoly OAO Gazprom briefly shut off the fuel to neighboring Ukraine in a price dispute that was widely denounced as a move to punish the pro-West government in Kiev. The Kremlin rejects those accusations and says big state-owned companies will be subject to the discipline of the market, often with some shares available to foreign investors. (The government is planning an initial public offering of state oil company OAA Rosneft this summer.)

But at Avtovaz, Rosoboronexport's takeover wasn't good news for General Motors Corp.'s $340 million joint venture with the Russian auto giant. The change in management brought to a head simmering tensions at the operation. Now there are signs the entire deal, the largest foreign investment in Russia's auto sector, could unravel.

Until recently, Rosoboronexport was barely known, an operation with a few hundred employees headquartered on a quiet Moscow boulevard. It was, and remains, one of Russia's most opaque companies: Its business activities are largely a state secret. With Mr. Chemezov at the helm, however its profile began to grow.

According to Mr. Chemezov, he and Mr. Putin met when both were KGB intelligence officers in Dresden, East Germany—a claim the Kremlin won't comment on but one published in a government-controlled magazine. Mr. Chemezov says the two lived in the same apartment block and their families socialized. They kept in touch after their return to Russia. In 1996, when Mr. Putin got a job as a mid-level Kremlin bureaucrat, he made Mr. Chemezov his deputy.

In 1999 Mr. Chemezov moved to the arms industry. It was a time of corruption and chaos. The advent of capitalism had left defense factories starved for cash. Desperate to survive, the mostly state-owned firms competed with one another for foreign contracts, often with the help of dubious middlemen.

After Mr. Putin became Russian president the following year, he took control of the trade. He formed Rosoboronexport as a state monopoly to squeeze out freelance arms salesmen and root out graft, staffing it with old comrades. Mr. Chemezov became its deputy head and then, in 2004, its chief.

Russian weapons exports boomed. They totaled $6 billion last year, up 70% since 1999. Rosoboronexport, which takes a 3.8% commission on all sales, prospered.

The agency expanded its horizons. Last year, it merged all of Russia's helicopter makers, some of them privately owned, into one of its subsidiaries. Now it is involved in a similar effort to consolidate Russia's struggling airplane manufacturers under state control.

Chemezov's influence grew as the Kremlin picked him to represent the state on the boards of a string of large defense firms. But his most ambitious gambit yet involved Avtovaz. The auto story developed fast last fall, ignited by a meeting in the Kremlin between President Putin and the long-serving CEO of the publicly held car company.

DOWN ON ITS LUCK

Avtovaz was built in the late 1960s in Togliatti, a drab Volga River city named after an Italian Communist. In the 1990s the city was torn apart by mafia wars, as rival gangs vying for control of the auto works staged shootouts at the factory gates. The company was broke. Big profits, however, were being racked up by trading firms—some linked to Avtovaz management—that supplied auto parts and sold the company's finished cars.

More recently, Avtovaz has struggled to hold market share as some in Russia's growing middle class switch from clunky Ladas to foreign-brand cars, By mid-2005, corporate raiders, some alleged to have criminal connections, were tightening their grip on the big auto maker. They bought up parts suppliers and dealerships, installing loyal managers and acquiring shares.

Mr. Chemezov says that when President Putin met last fall with Avtovaz's chief, 64-year-old Vladimir Kadannikov, the veteran auto executive said he wanted to retire. Mr. Kadannikov declined to be interviewed. People close to him say he didn't have much choice in his decision to leave. A Kremlin spokesman said Mr. Putin doesn't fire the managers of private companies.

After consulting with aides, Mr. Putin gave Rosoboronexport the task of cleaning up Avtovaz, Mr. Chemezov says.

Moving in was a simple operation. Avtovaz's managers control the auto maker through an arcane system of cross-shareholdings. By replacing the bosses, Rosoboronexport could take charge of the company without having to buy any shares.

First, though, the old management team had to be persuaded to leave peacefully. After Mr. Kadannikov resigned in October, a team of police investigators and prosecutors was airlifted in to begin the process. ''To impose order . . . the state had to bring in 300 policemen from outside,'' says Mr. Chemezov. ''Over the next few months, we had to replace virtually the entire police force, both in Togliatti and in the factory itself!'' Soon, three of Avtovaz's senior accountants found themselves facing charges of theft and tax evasion. The charges were dropped a few weeks later.

On Dec. 22, a tight police cordon encircled Avtovaz's high-rise headquarters in Togliatti as shareholders gathered to elect a new board. Within half an hour, they had voted for the new, state-approved slate. Most had never even seen the candidates before. No alternatives were on the ballot.

AUTO GIANT

President Putin defended the takeover. ''Let's face it, the enterprise is in a bad way,'' he told reporters in January. ''And if a state structure goes in as crisis manager to try to improve the situation, then that's no bad thing.''

The new bosses are pushing for $4.5 billion in state money to roll out new models and build a new factory to make 450,000 cars a year. Some in the government want Avtovaz to go further, absorbing other, smaller Russian car makers to form a national auto giant. Mr. Chemezov has a personal notion of how to restore the car company's onetime glory. He has just announced it will build a Jeep-type vehicle for the army, to be called the Kalashnikov.

On the whole, workers appear to have welcomed the change at the top. ''With the new lot, at least there's hope they'll get rid of the mafia. They're the only ones who can,'' says Pyotr Zolotaryov, head of Edintsvo, Avtovaz's independent trade union.

Rosoboronexport moved quickly to get control over Avtovaz's lucrative sales operations. One of the first steps was to put the company's Moscow office in the hands of the brother of Avtovaz's new chairman.

Then the new regime shifted a big chunk of Avtovaz's financial flows, including some of its hard-currency accounts, to a preferred bank. Called Novikombank, it is tiny but has close links to Russia's defense industry. For years, one of its main shareholders was Russia's Association of Foreign Intelligence Veterans, and in the late 1990s it was run by Mr. Chemezov's Rosoboronexport predecessor, another old KGB hand.

A SPAT WITH GM

Rosoboronexport soon was in a spat with Avtovaz's American joint-venture partner, General Motors. GM had seen relations cool with the previous management team. But it was stunned in February when the new bosses at Avtovaz suddenly stopped supplying parts to the companies' five-year-old joint venture, closing down its production line for 10 days. ''There was no discussion at all about a shutdown,'' says Warren Browne, head of GM in Russia. ''They took that decision unilaterally.''

Avtovaz had long grumbled that the joint venture wasn't paying enough for the parts

Avtovaz supplied. After tough negotiations, the sides worked out a compromise that raised the price, though not by the 60% that Avtovaz had demanded. But that deal expires at the end of this year, and beyond that, the venture's prospects look murky. ''There's still a lot of distrust on both sides,'' says a banker familiar with the project. ''I think one will buy the other out.''

That would be a big blow for a pioneering project that in its time put GM way ahead of competitors in one of the world's fastest-growing car markets. GM took the risky step of putting its Chevrolet logo on a Russian-designed car, a strategy that initially paid off as Chevrolet became Russia's top-selling foreign brand in 2004. After this year's tiff, GM says it remains committed to the joint venture. ''It's debt-free, it's got cash flow and it achieved a profit a year before we expected it to,'' says Mr. Browne.

Avtovaz's new bosses are less effusive. ''When it started, the venture was a breakthrough, but times change,'' says Vladimir Artyakov, Avtovaz's new chairman. ''It got stuck in its original format . . . and began to limp. It no longer really fits into Avtovaz's strategy.'' Asked if Avtovaz might seek to buy out GM, he said, ''Why not?''

GM appears to be looking at other alternatives. It has taken out an option on land in St. Petersburg for a possible assembly plant there, which it would own with no local partners.

METALS RACE

Mr. Chemezov is also on the lookout for other business. He's in talks to have his Rosoboronexport buy a stake in publicly held OAO VSMPO-Avisma one of the world's main producers of titanium. It would become part of a big new state company producing metals and alloys for the Russian defense industry.

VSMPO has just signed a $1.4 billion contract to sell the lightweight metal to Airbus through 2015. It's also a key supplier to Boeing. Rosoboronexport says it wants to make sure not all of the country's store of the metal ends up abroad. VSMPO ''is a strategic enterprise,' 'Mr. Chemezov says. ''It supplies all our defense plants with titanium. And naturally we want it to be . . . under state control.''

He denies that plan would amount to nationalization, although he acknowledges that the price Rosoboronexport is offering is only about half the titanium maker's current share price.

As Mr. Chemezov's influence expands, the line separating his different roles—civil servant and entrepreneur—is increasingly blurred. ''You know, we're not really the state, we're businessmen,'' he says of Rosoboronexport. ''Call it state commerce.''

RUSSIAN STATE TO BUY STAKE IN VSMPO

(By Arkady Ostrovskyin, Moscow)

The owners of VSMPO-Avisma, the world's largest titanium producer, have succumbed to advances from the Russian authorities to sell a stake to Rosoboronexport, the state arms trading monopoly, which is fast emerging as one of the most powerful players in the Russian economy.

While talks between Rosoboronexport and VSMPO-Avisma shareholders are still going on, a decision in principle to sell some of their shares to the state has been made, the shareholders said.

The company is controlled by Vladislav Tetyukhin and Vyacheslav Bresht, who have transformed the former Soviet military plant into a highly profitable and globally competitive business. VSMPO supplies Airbus and Boeing with most of their titanium, increasingly used in aircraft construction because of its toughness and lightness.

Both Mr. Tetyukhin and Mr. Bresht have previously resisted attempts by Rosoboronexport to take control over the plant.

Mr. Bresht said yesterday: ''I am ready to sell my shares to the state.'' He declined to comment on the reasons for his decision. Mr. Tetyukhin, said: ''The state will definitely become a shareholder in VSMPO-Avisma.'' He said it was a question of time, the size of the stake, and the price.

Observers said the shareholders' decision to give up control over the company was the latest illustration of the Kremlin squeezing out private owners from what it deemed to be strategic industries.

It was also a sign of the growing power of Rosoboronexport, which was set up to trade arms but has a licence for a wide range of commercial activities.

Last year it seized control of Avtovaz, the country's largest carmaker, which it is now trying to revive.

It has also consolidated control over Russia's helicopter makers and is believed to be interested in buying large shipbuilding companies.

It emerged this week that Rosoboronexport, which has the status of a state department, wants to transform itself into a state-owned corporation, which would give its managers more freedom.

VSMPO-Avisma last month struck a $1.4bn deal to supply between 60 and 70 per cent of all titanium consumed by Airbus.

Russia recently consolidated civil and military aircraft manufacturers into a single holding company, which could become a customer of VSMPO.

Rosoboronexport wants at least 25 per cent of VSMPO, but a source close to the talks said the agency was interested in gaining control.

KREMLIN MOVES TO TAKE CONTROL OF KEY MINERAL TITANIUM

YEKATERINBURG, RUSSIA.—The huge new Airbus A380 cannot take off without it, nor can Boeing's 787 Dreamliner—titanium has become an essential component in modern aircraft.

The Urals contain much of the world's reserves of this metal, and the Russian company VSMPO-Avisma, as the world's largest producer, has closed lucrative contracts with aerospace sector in the West. The fact has not gone unnoticed in Moscow. After recovering control of oil and gas, the Kremlin is now looking at retaking control of the metal industry.

Aircraft manufacturers in Europe and North America are concerned. They fear the Russian state could exert influence in the way it has recently in energy politics.

But at VSMPO-Avisma the concern is that circles around President Vladimir Putin are less concerned about national strategy than about personal gain.

With every billion dollars that flows into the Russian state coffers as a result of the continuing high energy prices, the Kremlin's confidence in its economic policy grows.

A few months ago Putin announced the formation of a state holding company for the decaying Russian aircraft construction sector. It is to fall under the arms exporter Rosoboronexport.

Rosoboronexport head Sergey Jemesov, a close Putin associate, made clear to the titanium producer while on a visit to the Urals that the state would not tolerate an independent concern in a key strategic area of this kind.

VSMPO-Avisma, which produced around 30,000 tons in 2005, also supplies titanium for submarines, rockets and nuclear power stations. VSMPO-Avisma general director and major shareholder Vladislav V. Tetiyukhin believes it only a matter of months before the company is sold to the state.

''We are currently in talks about deadlines, price and the extent of the future state holding,'' the 73-year-old businessman says. He does not appear happy at the prospect.

Speaking at the company's headquarters in Verknyaya Salda near Yekaterinburg, Tetiyukhin says that neither the clients, such as Boeing and Airbus, nor the company's employees need be concerned about the future.

But there are other voices being raised. A manager says she fears a state takeover. ''We have never seen the state managing a business effectively,'' she says, pointing to reports of poor management at the huge gas production company Gazprom, which has effectively been renationalized over recent years.

A colleague who works in public relations agrees. ''Putin's immediate circle are merely aiming at personal gain. Once the president stands down in 2008, our concern will soon be converted to cash,'' he believes. Western aircraft manufacturers could also find that renationalization could have unfortunate consequences for them.

There are fears that Rosoboronexport could make deliveries of the strong and light metal dependent on Western countries buying Russian aircraft in return.

The current owners of VSMPO-Avisma have made the responsibilities clear to Rosoboronexport. ''If the new managers make just one mistake, they will pay heavily for it,'' says one of the main shareholders, who puts the value of the concern at 2 billion euros.

VSMPO-Avisma is unusual among Russian commodity producers, as it does not export the raw materials but actually processes them. With an annual turnover of 400 million dollars, the company supplies around a third of world titanium demand. Almost 75 percent of its production goes to exports.

In an attempt to allay the concerns of the company's staff, Tetiyukhin says it is not yet clear whether the Kremlin will take a majority shareholding. He has backed on principle a minority holding by the state in the company which was built up under the Soviet Union and then privatized during the tumultuous 1990s.

But Putin may not be satisfied with this.

The alarm bells started ringing when the tax authorities began taking a keen interest in VSMPO-Avisma and the prosecution services began making ominous visits.

Tetiyukhin sees the threat to his company as not yet serious, but the example of Yukos has shown how quickly that situation can change. Precisely these agencies—tax officials and the prosecutors' office—acted as the long arm of the Kremlin in destroying what was the largest Russian oil concern and then selling it to the state-owned competition.

BACK IN BUSINESS—HOW PUTIN'S ALLIES ARE TURNING RUSSIA INTO A CORPORATE STATE

(By Neil Buckley and Arkady Ostrovsky)

Leaders of Russian industry, lined up under company banners to greet President Vladimir Putin in St. Petersburg last week, looked like soldiers standing to attention for their commanding officer. Some had flown hundreds of miles for a place in the parade.

A month before world leaders fly into the city for the summit of the Group of Eight industrialised nations, the investment forum in Mr. Putin's home city was designed to showcase Russia's economic resurgence. As top executives oozed a confidence born of $70-a-barrel oil and the economic recovery it has generated, the message was clear: Russia is back—and is aggressively eager to use its

natural resources as tools to regain its influence in the world.

Its renewed assertiveness could scarcely have been imagined eight years ago when, still in the throes of its post-Soviet transformation, the country defaulted on $40bn ($22bn, €32bn) of debt and plunged into financial crisis.

But the forum also displayed the new economic order in Russia. Pride of place was given to the state-controlled giants: Gazprom, the natural gas producer that has a market worth of $225bn—bigger than Wal-Mart or Royal Dutch Shell; Rosneft, the oil company about to launch a $10bn initial public offering; and Russian Railways, also planning IPOs of some of its units.

Directors of these companies are intimately linked to the president. Alexei Miller, the Gazprom chief executive, worked with Mr. Putin in the St Petersburg mayor's office in the 1990s. So, too, did Dmitry Medvedev, who combines his job as first deputy prime minister with chairing Gazprom, and Igor Sechin, who is the president's deputy chief of staff as well as Rosneft chairman. Dmitry Yakunin, chief executive of Russian Railways, also forged a bond with Mr. Putin in the same period.

All are part of a network of Putin associates, either from his spell in Russia's second city or former fellow officers in the KGB secret police, who have quietly come to dominate state-controlled businesses—and who often double up as government ministers or senior Kremlin officials. Together, they form the quasiboard of what might be called Russia Inc., comprising the country's most lucrative assets not just in oil and gas but also nuclear power, diamonds, metals, arms, aviation and transport.

The dominant force in Russia is no longer the oligarchs of Boris Yeltsin's presidency, who hustled their way to wealth in murky post-Soviet privatisations, then parlayed their riches into political power. Mr. Putin's associates have formed a new marriage of economic and political power. Add in the state's resumption of control of most mass media and, says Boris Nemtsov, the liberal former deputy prime minister, this group has all the resources that defined the old oligarchy.

''The 1990s oligarchs have ceased to be oligarchs and just become businessmen again,'' says Mr. Nemtsov. ''Now we have a chekist oligarchy,'' he says, using Russian slang for a secret policeman.

When Mr. Putin succeeded Mr. Yeltsin in March 2000, his goal was to reassert Kremlin control over a chaotic, cash-strapped state dominated by big businessmen powerful enough to shape legislation to their own advantage. Through a 1995 ''loans for shares'' scheme, in which some oligarchs lent money for the budget in return for stakes in the most coveted unprivatised businesses, and by funding Mr. Yeltsin's 1996 presidential election victory, they established a hold over the then president.

By helping Mr. Putin to power, they expected to hold similar sway over him. But, by making high-profile examples of some Yeltsin-era oligarchs, Mr. Putin radically clipped the wings of the rest. Two, Boris Berezovsky and Vladimir Gusinsky, fled abroad in 2000 facing fraud charges after clashing with the president.

When Mikhail Khodorkovsky, owner of Yukos, was arrested three years later on fraud charges and his oil company was hit with a $28bn back tax bill, it seemed to be part of the same process. Mr. Khodorkovsky had shown political ambitions and was financing opposition parties. It did not just open a new chapter in the wielding of Kremlin power but began a process of redistribution of assets that has been dogging Russia's economy ever Since.

The president has not ''liquidated the oligarchs as a class'', as he once pledged—three of the big seven from the 1990s are still in business. Alongside the state companies in St. Petersburg last week were leaders of private companies including Lukoil, the energy group, and Rusal, the aluminium giant.

But Mr. Putin has made private businessmen loyal and pliant. The Yukos case taught them that they held their assets at the Kremlin's pleasure and became involved in politics at their peril. Asked if he has had any recent contacts with Mikhail Kasyanov, the former prime minister turned anti-Kremlin presidential candidate, one 1990s oligarch grimaces.

''Are you crazy? Seeing Kasyanov today would be like meeting the head of the CIA in the 1970s,'' he says.

As the Yeltsin-era oligarchs have declined, the ''state'' oligarchs have emerged. One reason is Mr. Putin's propensity for using trusted acquaintances or former KGB colleagues in every aspect of his attempt to re-establish state power. He packed the presidential administration and government with them—and increasingly in his second term has given the same people supervisory roles in state business.

The second is the still largely unacknowledged policy of using state businesses to reestablish Kremlin control of strategic assets. Sometimes, as with Rosneft's purchase of the main production arm of Yukos in 2004, or Gazprom's acquisition of Sibneft from the UK-based Roman Abramovich, this has amounted to a renationalisation of assets privatised in the loans-for-shares scheme. In other cases, state-controlled assets are being regrouped into national champions in airlines, aviation or nuclear power (see diagram).

Andrei Illarionov, Mr. Putin's former economic adviser turned Kremlin critic, says Russia's ruling apparatus has turned into a kind of corporation. ''The main incentive for a corporation member is the prospect of being placed in charge of a state-controlled company; the size of that company's financial flows is the most accurate indicator of that person's place in the corporate hierarchy,'' he says.

On the other hand, Mr. Med-vedev—a leading contender to succeed Mr. Putin—tells the Financial Times: ''I don't believe we're seeing any significant increase in the state's participation in business.

''True, in a number of cases . . . state-controlled companies increased their presence. Above all we're talking about the energy sector. But . . . we're not talking about nationalisation but about buying appropriate assets on the market.''

Dmitry Peskov, a spokesman for Mr. Putin, says he ''categorically does not agree'' that a new oligarchy has formed in Russia—although he makes no bones about the fact that many senior officials and associates of the president hold positions in state companies. The officials, he says, rightly represent the state's interests. ''These people are not businessmen; they don't have operational control of the company.''

As for managers such as Gazprom's Mr. Miller or Russian Railways' Mr. Yakunin, he—like other senior officials—says it is not unusual in Europe or North America for big companies to be run by people who happen to know the country's leader. ''Gas and railways are life-and-death industries for a country the size of Russia,'' says Mr. Peskov. ''Whether Mr. Yakunin is a friend of the president is of minor importance. What is important is whether he is a good manager.''

But FT research has found Russian officialdom and business to be extraordinarily intertwined. Of its presidential administration, 11 members chaired six state companies and had 12 further state directorships; 15 senior government officials held six chairmanships and 24 other board seats. In no other G8 country do ministers or senior aides to the head of state or government sit on government companies' boards.

The state has also become a big player in mergers and acquisitions. Two transactions—its move to increase its stake in Gazprom from 38 to 51 per cent and Gazprom's purchase of Sibneft—totalled $20.21bn, or half the $40.5bn value of all Russian M&A deals last year, according to KPMG. Figures from the European Bank for Reconstruction and Development show the public sector's share of the economy rose from 30 per cent to 35 per cent last year.

Just like the rise of the 1990s-era oligarchs, the increasing role of state business and its directors has important implications. It does not represent a return to Soviet-era central planning. The Kremlin has embraced the market—as demonstrated by the planned Rosneft IPO and its move to lift restrictions on foreign investors buying the 49 per cent of Gazprom shares not owned by the state. But the new model is a much more directed capitalism.

Take aviation. As Chris Weafer, chief strategist at Alfa Bank (owned by Mikhail Fridman, another 1990s oligarch), points out, in order to recreate a national carrier, Aeroflot is being reunited with several regional airlines carved out of it in the 1990s. Instead of replacing its aging fleet with Boeings or Airbuses, it may buy aircraft from United Aircraft Corporation, the national aviation giant now being formed. UAC may, in turn, buy parts from VSMPO-Avisma, a privately owned world leader in titanium that also seems set to fall under state control. Throw in the possibility that windfall oil revenues sitting in Russia's $60bn ''stabilisation fund'' could rebuild crumbling airports and the vision of state capitalism takes shape.

There are risks in such an approach. Around the world, public ownership has generally been less effective than private. Instead of focusing on areas where Russia has real global advantages, the state might focus on propping up ailing dinosaurs.

State companies can also seek to use a compliant judiciary and tax police to put pressure on targets. One leading businessman says some bureaucrats see themselves as ''Robin Hoods'' taking assets from private ''fat cats.'' ''This is worse than in the mid-1990s, when businessmen paid courts to make particular decisions,'' he says. ''At that time, everyone knew that what they were doing was bad. Now, judges think that by giving preference to state interests in a dispute, they are doing the right thing.'' There is also the danger of well-connected state managers winning favours for their businesses in a way that distorts competition. The leading Russian businessman warns that the state's growing role ''kills initiative.''

''A businessman who can't rely on state orders comes up with something the market needs,'' this businessman says. ''But if the state starts handing out orders and money, people start thinking in terms of lobbying their interest in this or that government project. This requires not entrepreneurial skills but lobbying skills.''

State companies may simply attempt to cherry-pick attractive private assets. One example is the pursuit of VSMPO-Avisma, the privately held titanium company, by Rosoboronexport, a state arms export agency headed by Sergei Chemezov, another long-time Putin friend. The same group last year took control of Avtovaz, the Lada car maker, and is emerging as a prime mover in the new state capitalism.

The Russian Union of Industrialists and Entrepreneurs, a lobby group, has raised the

alarm about the government's failure to protect property rights. In April it published research that concluded Russia's economic model had been most favourable for investment in 2002 and 2003, before state capitalism started to emerge. Had the climate been maintained, it added, a real investment boom would have boosted industrial output and the economy could have grown at nearly twice last year's 6.4 per cent. Even ministers have weighed in. German Gref, the liberal economy minister, recently warned that the sheer number of deals meant the government could not ''keep track of state-controlled firms . . . as they grab market assets.''

But is this asset grab the result of ideology—that state control is best—or attempts by officials to line their pockets? Mr. Putin himself has denied that senior officials running state businesses are enriching themselves. Supporters say he put trusted allies into state companies partly to clamp down on corruption—notably Mr. Miller, who has reclaimed $1 bn of Gazprom assets spirited out of the company's control by Yeltsin-era management.

Yegor Gaidar, the former prime minister who masterminded Russia's post-communist economic reforms, says state control tends to breed corruption. ''When you are the owner, you don't cheat the company,'' he says. ''But when it isn't your money but the state's money, being a manager you suddenly find you have a lot of good friends and relatives who could benefit from this money.''

Some observers say the process could go further: state managers could become owners through flotations or partial privatisations that would give them the chance to buy shares.

Most analysts agree Mr. Putin was right to break the influence of the 1990s-era oligarchs, which was distorting competition and deforming the development of Russian capitalism. Yet rather than separating political and business interests in a stable system governed by the rule of law, he has created a new class of politically connected business people.

Russia risks becoming locked in a vicious circle of property redistribution and mutating oligarchies. To ensure they do not lose their own assets, those who have gained under Mr. Putin will be prepared to use every resource at their disposal to ensure the election of his chosen successor in 2008.

Mr. WARNER. Mr. President, I understand under the order we now proceed to the final passage of the authorization bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question occurs on passage of the bill as amended.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiging to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—96

Akaka	Dodd	Martinez
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Talent
Cornyn	Lautenberg	Thomas
Craig	Leahy	Thune
Crapo	Levin	Vitter
Dayton	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden

NOT VOTING—4

Enzi	Rockefeller
Lieberman	Sununu

The bill (S. 2766), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, once again I thank colleagues for the unanimous vote, 96 to 0, sending a strong message to the men and women of the Armed Forces.

Mr. LEVIN. We will have more to say on this after the next vote. While everyone is here, I thank our chairman. This is the sixth bill he has brought to the Senate of the United States as chairman. It gets better every time. It gets smoother every time. That is owed to this great Senator from Virginia. We will have more to say about that when we bring the conference report back. A lot of Members need to leave. I want everyone to know before they leave, this Senator is entitled to their thanks.

Mr. WARNER. I thank my distinguished colleague.

Mr. KERRY. First of all, I join in congratulating the managers of this bill.

Very quickly, Senator HAGEL and I had an amendment with respect to the pay raise of the troops. The House has raised the pay level by 2.7 percent. In this bill, there is a 2.2-percent raise. Senator HAGEL and I sought to equal what the House did and raise it across the board, but it is our understanding that the committee has made the determination, in consultation with people in the services, the needs of the services, that there is a particular problem with respect to retention of noncommissioned officers. Instead of taking that .5 percent differential and spreading it throughout the services, it is the intention of the committee on the Senate side to try to address the retention issue and put that money into noncommissioned officers.

If that is the understanding, I think Senator HAGEL and I, for that reason, will pull back our amendment, and we agree to support the position of the Senate.

Mr. WARNER. Mr. President, the Senator from Massachusetts is correct.

The group that has consulted with the committee staff was the senior enlisted ranks. The problem rests in the senior enlisted ranks, the warrant officer ranks. That is where the targeted money was applied. We will look at it further in conference.

I thank the Senator.

Mr. KERRY. I thank the Senator.

EXECUTIVE SESSION

ANDREW J. GUILFORD TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Andrew J. Guilford, of California, to be United States District Judge for the Central District of California.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, today the Senate will confirm two more lifetime appointments to our Federal courts. I am glad that we are voting on Andrew Guilford, who has been nominated to the District Court for the Central District of California and who has the support of his Democratic home State Senators, Mrs. BOXER and Mrs. FEINSTEIN. Frank Whitney, a nominee for the District Court for the Western District of North Carolina, has the support of his Republican home State Senators. Both nominations were reported unanimously by the Judiciary Committee.

I am pleased that the Republican leadership has scheduled debate and consideration of these nominations and am glad that the Republican leadership

is this month taking notice of the fact that we can cooperate on swift consideration and confirmation of consensus nominations. Working together, we confirmed five judges in 1 week earlier this month. We have confirmed three more this week. Many of these judges could have been confirmed last month if the Republican leadership had chosen to make progress instead of picking a fight on a controversial nomination. I look forward to working with the Republican leadership to schedule debate and consideration of other noncontroversial nominees.

I, again, commend the Republican Senate leadership for wisely passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

The President and Senate Republican leadership have too often, though, chosen to pick fights over judicial nominations rather than focus on filling vacancies. Judicial vacancies have now grown to well over 40 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 nominate 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.

Still, we have passed several milestones. When the Senate today confirms Andrew Guilford and Frank Whitney as district court judges, the Senate will have confirmed 251 of this President's judicial nominees, crossing the 250 threshold. This milestone is an indicator of how cooperative Senate Democrats have been in confirming this President's nominees. Despite the slow pace of the President and the Republican leadership in filling the needs of the judiciary, the Senate has confirmed more of this President's nominees in the 66 months of his Presidency than the Republican-controlled Senate did in the last 66 months of the Clinton Presidency. During that time, many good nominees were never even given a vote in committee, and only 230 judges were confirmed. That dubious total was the result 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. It is a strategy which has been working.

Also with these two nominations, the Republican-controlled Senate will have this year confirmed 24 judicial nominations. That surpasses the number of judges confirmed last year, 22. 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 46. So the fact that the Senate has confirmed more nominees in the past 5½ years than in the last 5½ years of the Clinton administration is due in no small part to the much faster pace of confirmations of this President's nominees when Democrats controlled the Senate.

Working together, we could do better. I urge the White House to work with us to select nominees with bipartisan support like Andrew Guilford, rather than explosive partisan nominees like Terrence Boyle. I hope that the Republican-controlled Senate will stop using controversial judicial nominations to score partisan political points. Our courts are too important.

Mr. CRAIG. Mr. President, I regret that I will not be able to vote on the nomination of Andrew Guilford. I have been called back to Idaho because of a family emergency. Had I been present to vote, I would have voted in his favor. It is my understanding that there are no known votes against this nominee, so his certain confirmation will not be affected by my absence.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Andrew J. Guilford, of California, to be United States District Judge for the Central District of California? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Idaho (Mr. CRAIG), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG), and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—93

Akaka	Coleman	Inhofe
Alexander	Collins	Inouye
Allard	Conrad	Isakson
Allen	Cornyn	Jeffords
Baucus	Crapo	Johnson
Bayh	Dayton	Kennedy
Bennett	DeMint	Kerry
Biden	DeWine	Kohl
Bingaman	Dodd	Kyl
Bond	Dole	Landrieu
Boxer	Domenici	Lautenberg
Brownback	Dorgan	Leahy
Bunning	Durbin	Levin
Burns	Ensign	Lincoln
Burr	Feingold	Lott
Byrd	Feinstein	Lugar
Cantwell	Frist	Martinez
Carper	Graham	McCain
Chafee	Grassley	McConnell
Chambliss	Hagel	Menendez
Clinton	Harkin	Mikulski
Coburn	Hatch	Murkowski
Cochran	Hutchison	Murray
Nelson (FL)	Santorum	Stevens
Nelson (NE)	Schumer	Talent
Obama	Sessions	Thomas
Pryor	Shelby	Thune
Reed	Smith	Vitter
Reid	Snowe	Voinovich
Roberts	Specter	Warner
Salazar	Stabenow	Wyden

NOT VOTING—7

Craig	Lieberman	Sununu
Enzi	Rockefeller	
Gregg	Sarbanes	

The nomination was confirmed.

Mr. WARNER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF FRANK D. WHITNEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Mrs. DOLE. Mr. President, I am speaking today to offer my unconditional support for the nomination of Frank DeArmon Whitney to serve as a U.S. district judge in the Western District of North Carolina. Mr. Whitney has an impressive record of accomplishment and achievement, and he will make an outstanding judge.

Frank Whitney has deep roots in North Carolina and in public service. He attended Wake Forest University and the business and law schools at the University of North Carolina at Chapel Hill. After receiving his law degree with honors, Frank clerked on the prestigious U.S. Court of Appeals for the District of Columbia Circuit for the Honorable David Sentelle.

Upon completing his clerkship and a year in private legal practice, Frank returned to North Carolina and dedicated himself to public service. For nearly 11 years, he served as an assistant U.S. attorney for the Western District of North Carolina, where he acquired substantial trial experience—both criminal and civil—and earned the abiding respect of his colleagues and peers.

In 2002, Frank was elevated to the post of U.S. attorney for the Eastern District of North Carolina. As a result of his leadership, energy, and enthusiasm, the Eastern District has experienced a period of robust and resounding success. Among his many accomplishments, Frank Whitney has supervised what has been called the most successful public corruption prosecution in North Carolina history. He also has helped prepare Iraqis for the process of drafting a constitution and establishing a judicial system. He has even recovered North Carolina's original copy of the U.S. Bill of Rights, which was stolen from the State capitol in 1865.

His performance as U.S. attorney has elicited high praise. The Raleigh News & Observer credited Frank Whitney for awakening elected officials to the ''importance of ethics in government,'' and the newspaper attributed his incredible success to his ''restless mental and physical energy'' and ''Boy Scout idealism.'' Others who have had the opportunity to observe Frank's work have described him as determined, yet fair.

Those who know Frank best—including those who have worked for him in the U.S. Attorney's Office—are effusive in their support for his nomination. One of Frank's colleagues made the following assessment: ''Frank is personable and gracious, yet knows the law and seeks justice. He has an abiding love for our country and is deeply committed to the principles that have made it great. He appreciates the historic separation of powers and understands judicial self-restraint. Frank possesses vast legal knowledge and demonstrates admirable judicial temperament.'' This description is consistent with everything that I know about Frank Whitney, and I submit to my colleagues that this is precisely the type of person we need on our Federal courts.

There is another component of Frank's career that I must commend. That is his impressive record of military service, which began during his collegiate days at Wake Forest, where he participated in ROTC. Frank is presently a lieutenant colonel in the U.S. Army Reserves, and has worked as an intelligence officer and as a judge advocate. He has been awarded numerous military honors, including a Parachutist's Badge and three Meritorious Service Medals. Frank Whitney truly has dedicated his life to serving his country—as a civilian and as a soldier.

Frank comes to the Senate floor with impeccable credentials and with the unanimous approval of the Senate Judiciary Committee. I am confident that he will serve with great distinction as a member of the Federal judiciary, and it is my great privilege to give him my strongest endorsement. I implore my colleagues to confirm him.

Mr. BURR. Mr. President, today, I rise in support of a highly qualified individual to be confirmed to the Federal bench—Frank Whitney to be a U.S. district court judge in the Western District of North Carolina.

President Bush nominated Frank Whitney on February 14, 2006. Frank has impressive academic and professional credentials: He is currently a U.S. attorney in my home State of North Carolina; he has practiced in two very distinguished law firms; he was an assistant U.S. attorney in North Carolina for several years; he clerked for the DC Circuit Court of Appeals; he graduated with honors from law school at the University of North Carolina where he also received his MBA; and he graduated Phi Beta Kappa from my alma mater of Wake Forest University.

But perhaps one of the most honorable characteristics of Frank Whitney is that he has done all of this while serving his country in the military. Frank continues his service in the Army Reserve both as an intelligence officer and as a judge advocate. He is a former paratrooper, has received three Meritorious Service Medals, and recently was selected for promotion to lieutenant colonel.

As I mentioned in my testimony to the Judiciary Committee and what I want to mention about Frank here today is that Frank is a good man. I have had the pleasure of meeting Frank's family—his wife Catherine, and one of his daughters.

Personally, as a husband and as a father, I want to feel confident that the individuals we confirm to a lifetime appointment on the Federal bench understand the seriousness and significance of the job for which they are being considered.

I am confident that Frank does understand the importance of being a Federal judge. I know Frank is qualified to serve on the bench, and I am confident that Frank will continue to serve his Nation with honor and dignity. I believe Frank will continue to make his family proud, and I am confident that North Carolina will have one of the best Federal judges in the country in Frank Whitney.

Frank Whitney possesses qualities necessary to serve as a U.S. district court judge. He is fairminded, evenhanded, and treats all with respect. He has repeatedly demonstrated a commitment to public service and a spirit of impartiality and cooperation. I believe Frank Whitney's honesty, integrity, and intelligence have earned him strong bipartisan support and he will continue to proudly serve as a representative of our country.

I thank my colleagues for supporting the nomination of Frank Whitney to be the next U.S. district court judge for the Western District of North Carolina.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina?

The nomination was confirmed.

NOMINATION OF THOMAS D. ANDERSON TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS

The PRESIDING OFFICER. The clerk will report the last nomination.

The legislative clerk read the nomination of Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have spoken earlier about Mr. Anderson. For those of us who have been prosecutors in Vermont or care about the prosecutor's office, I think President Bush has made a fine choice here. And, of course, I strongly support Mr. Anderson for the reasons I stated earlier.

I think everybody here and in the Department of Justice will breathe a sigh of relief. We have had wonderful acting U.S. attorneys for some time since former U.S. attorney Peter Hall went to the Second Circuit. But this will be a very good move to have him as U.S. attorney.

I compliment Tom and his family and, of course, the President.

I yield the floor.

CONFIRMATION OF THOMAS D. ANDERSON

Mr. LEAHY. Mr. President, today we confirm Thomas D. Anderson as U.S. attorney for the District of Vermont. I am pleased that we acted promptly in the Judiciary Committee to report Tom's nomination to the floor and that the Senate is acting promptly to confirm him. As an assistant U.S. attorney in Burlington for 14 of the last 19 years, the managing partner of a respected Burlington law firm, and as deputy state's attorney in Newport, Tom's varied experience and long ties to Vermont have prepared him well to be Vermont's top Federal law enforcement official.

We have a strong tradition of good law enforcement in Vermont. Our most recent U.S. attorneys are part of that tradition. Charlie Tetzlaff served an extended term and has gone on to distinguish himself as the Executive Director of the U.S. Sentencing Commission. Peter Hall served ably and now fills the Vermont seat on the U.S. Court of Appeals for the Second Circuit.

Tom is the kind of well-qualified consensus nominee who can be easily confirmed by the Senate. In fact, I joined with Republican Gov. Jim Douglas in recommending Tom to President Bush. As a former prosecutor, I have been particular impressed with his work since returning to the U.S. Attorney's Office in 2001 as head of the narcotics unit and as the lead attorney of the Department of Justice's Organized Crime Drug Enforcement Task Force. He has worked closely with both Federal and State drug investigators to identify and target the highest level drug traffickers in Vermont and to coordinate major drug investigations covering many districts. I believe his work on drug crime is especially important preparation as we continue to target those crimes, which are one of Vermont's most difficult law enforcement challenges.

In addition to his work combating drug crimes, Tom has gained a wide variety of experience in private practice and as a prosecutor. He spent 3 years at the U.S. Attorney's Office in the civil division, prosecuting civil enforcement actions in Federal court brought under the False Claims Act and other statutes. In 1994, he was assigned as a special assistant attorney general for the

State of Vermont to prosecute police officers charged with obstruction of justice. While a partner at Sheehey Furlong Rendall & Behm, Tom's firm represented the State of Vermont in its litigation against the tobacco industry. And of course I must discuss one of Tom's finest accomplishments, his 1979 graduation from St. Michael's College in Colchester, VT, my alma mater.

Tom has a keen legal and will bring a great deal of experience and enthusiasm to this important law enforcement post. Congratulations to Tom, his wife Wendy, and his entire family on his confirmation today.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Michigan.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

Mr. LEVIN. Mr. President, as a result of the extraordinarily hard work, dedication, and cooperation, on a bipartisan basis, of every one of our committee members, and our extraordinary staff, as well as the assistance of really superb floor staffs on both sides of the aisle, we have just seen a unanimous passage of the Defense authorization bill.

As I mentioned before, this is a real tribute to our chairman. I am going to save all the accolades, however, for still a later time. When the chairman brings back a conference report, we will then, hopefully, have enough people here on the floor who can both join in the kudos and hear the applause for our chairman.

Our staff loses a great deal of sleep to get this bill passed. And there is never enough attention that is paid to staff. No matter how many times we take a moment to just say thanks to our staff, it never comes close to paying the tribute which is really owed to them.

Charlie Abell, who is the majority staff director, is just a wonderful human being as well as a gifted professional. He and all the other members of your staff, I say to Senator WARNER, are really, really terrific. And I cannot say enough about Rick DeBobes, Peter Levine, and all of the members of my staff. Rick, our minority staff director, leads a truly extraordinary staff.

Mr. President, I guess the best way I can express my gratitude is to ask that the names of my staff be printed in the RECORD at this time. I ask unanimous consent that a list of their names be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Jon Clark, Chris Cowart, Dan Cox, Madelyn Creedon, Rick DeBobes, Brie Eisen, Evelyn Farkas, Richard Fieldhouse, Creighton Greene, Bridget Higgins, Mike Kuiken, Gary Leeling, Peter Levine, Mike McCord, Bill Monahan, Mike Noblet, Arun Seraphin.

Mr. LEVIN. Mr. President, also, talking about accolades, I want to single out Senator CANTWELL for an amendment which she authored relative to the replacement of National Guard equipment that has been left in Iraq and Afghanistan. The absence of this equipment has undermined the ability of the National Guard units to train and to meet the requirements in their home States. And the Cantwell amendment is going to require the Department to establish a comprehensive plan to recapitalize or to replace this equipment.

It is going to be an essential addition, replacement for the National Guard. There was not enough attention paid to this amendment as things kind of flew through here. I want to thank Senator CANTWELL for her leadership in making sure our National Guard is well equipped and given the support they deserve.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might join my distinguished colleague from Michigan, it has been a privilege for me, as it has for these 28 years we have been together, to work as partners and in many respects equals. He has been chairman of the committee. I have been chairman of the committee. We have both occupied positions of chairman and ranking member in these many years that we have been fortunate to serve on this committee together, and we have a very outstanding group of colleagues who are members of the committee. I thank my good friend for these many years. I am very proud, as he is, of this piece of legislation, which at this critical juncture in our Nation's history, with our forces serving in over 60 Nation across the world, and their families here at home are with them, we have them in mind at all times and, indeed, a very significant group of Civil Service employees who likewise are serving our Nation in their capacities with the Department of Defense and other departments and agencies related to our national security.

Senator LEVIN mentioned particularly our senior staff, our full staff, as a matter of fact. In many ways, some of the juniors work harder than seniors some days, but I won't get into that. I best leave that to my able staff director, Charlie Abell, as you leave that to your staff director. But we are fortunate to have these two staff directors and these magnificent staffs. They really are professional staffs. The appointment of our staff, I don't even recall inquiring as to the political affiliation of so many of these individuals that I have had the privilege of working with these many years in the Senate. But indeed, they do work long hours. Their reward is not the pay. Their reward is a sense of satisfaction, as it is for you and me and members of our committee and, indeed, the Members of the Senate, of what we are trying to do on behalf of the uniformed men and women of the Armed Forces and their families and their civilian counterparts.

I thank my distinguished colleague.

I ask unanimous consent that S. 2766, as amended, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I further ask unanimous consent that the Senate proceed immediately to the consideration en bloc of S. 2767 through S. 2769, Calendar Order Nos. 427, 428, and 429, that all after the enacting clause of those bills be stricken and that the appropriate portion of S. 2766, as amended, be inserted in lieu thereof, according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed, the motion to reconsider en bloc be laid upon the table, and that the above actions occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The bill (S. 2767) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2007

The bill (S. 2768) to authorize appropriations for fiscal year 2007 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2007

The bill (S. 2769) to authorize appropriations for fiscal year 2007 for defense activities of the Department of Energy, and for other purposes, was considered,

ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

G.V. ''SONNY'' MONTGOMERY NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. WARNER. Mr. President, with respect to H.R. 5122, Calendar Order No. 431, the House-passed version of the National Defense Authorization Act for fiscal year 2007, I ask unanimous consent that the Senate turn to its immediate consideration, that all after the enacting clause be stricken and the text of S. 2766, as passed, be submitted in lieu thereof, that the bill be advanced to third reading and passed, and that the Senate insist on its amendment to the bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5122), as amended, was read the third time and passed.

The PRESIDING OFFICER appointed Senators WARNER, MCCAIN, INHOFE, ROBERTS, SESSIONS, COLLINS, ENSIGN, TALENT, CHAMBLISS, GRAHAM, DOLE, CORNYN, THUNE, LEVIN, KENNEDY, BYRD, LIEBERMAN, REED of Rhode Island, AKAKA, NELSON of Florida, NELSON of Nebraska, DAYTON, BAYH, and CLINTON conferees on the part of the Senate.

Mr. WARNER. Mr. President, I ask unanimous consent, with respect to S. 2766 and 2767, 2768, and 2769, just passed by the Senate, that if the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I again thank all of our colleagues in the Chamber, the floor staff, and so many others, indeed our new group of pages, indeed, the distinguished professional staff who are at the dais this moment, none of them looking at me or paying any attention to what I say, may I express my profound appreciation to them and to the many reporters who come silently, do their work and disappear with equal silence, unnoticed, but who provide this great body with a flawless record of accuracy. I thank each and every one.

If there is no other Senator seeking recognition, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 5 minutes, followed by Senator TALENT and following that, as much time as Senator BYRD might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I rise today to thank the distinguished Senator from Virginia, Mr. WARNER, and Senator LEVIN of Michigan for their leadership in getting this legislation passed and for accepting language from legislation that I have sponsored, the National Guard Equipment Accountability Act, and making it part of the Defense authorization bill we just passed. They have done an outstanding job managing this legislation on the floor.

I also thank the Senator from Delaware, Mr. BIDEN, the Senator from Connecticut, Mr. DODD, and the cochair of the Senate National Guard Caucus, Mr. LEAHY, who also cosponsored this important legislation.

As a nation, we have a solemn duty to honor, prepare and properly equip all the men and women in uniform. The National Guard and Reserve are an essential part of our national defense, and confronting our enemies in distant lands is one of their obligations. Responding to threats here at home is another. In Washington State, the threats of volcanos, tsunamis, and other natural disasters are never far from our minds. We are aware of our porous northern border and the threat that poses to our safety and security. We know that the National Guard is not only the first line of response but also the first line of defense. Whether it is Mount St. Helens or floods or a variety of issues, we know the National Guard in Washington State has been there when we need them most.

They do more than just preserve our security at home. Thousands of National Guard members are currently deployed in Iraq and Afghanistan—in fact, there are about 500 members of the Washington National Guard deployed overseas. All of those serving in the National Guard make great sacrifices. They accept enormous responsibilities to help us. We owe it to them to make sure their missions are successful and that National Guard members have the resources they need to execute their missions.

Right now, I want to make sure we are upholding our part of the bargain. When our Reserves and National Guard are deployed on operations overseas, they are deployed with equipment from their unit. They go to their mission with the tools that they have trained with—familiar humvees, radios, trucks, whatever it takes to make them successful. While they serve abroad, their equipment actually becomes part of the greater mission. As a result, when these men and women return home to places like Camp Murray, their equipment often does not return with them. It is left behind, helping other Guard units complete their portion of the mission and to fill in where there are gaps in supplies. The problem is that we have no plan to help the National Guard and Reserve units deal with the loss of that equipment. These returning units are left underequipped and lacking the equipment necessary for continued training for their next deployments.

That is why I offered this language to make sure that we are taking care of this shortfall. According to the Department of Defense, the Army National Guard has left more than 75,000 items valued at $1.7 billion overseas in ongoing operations. So that is why this language was so important to add to the Defense bill.

Last October, the Government Accountability Office found that at the time the Army, in leaving this equipment and resources behind, did not have a replacement plan. So specifically my amendment codifies language telling the Department of Defense to provide our men and women in uniform with the protection and resources they deserve. The language requires a tracking system of all this equipment and for a replacement plan to make sure that these men and women get the equipment they need in the theaters of operation, when they return home—enabling them to plan ahead for their next mission.

Finally, my amendment would also require a memorandum of understanding, specifying exactly how equipment will be tracked and when it will be returned. This will help our National Guard and Reserve units plan ahead for future obligations and missions. Given the current equipment situation and aggressive use of our National Guard, I believe it is critical that we have them fully equipped for both their missions at home and abroad.

Again, I thank the Senators for helping to get this language into the Defense authorization bill. Our soldiers, our Active Duty, our Reserve units, and the men and women of the Guard have chosen to stand and serve our country with pride and to sacrifice and accept enormous responsibility. We, too, have the responsibility of giving them the resources they need to fulfill their mission. I know this legislation will help them do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I thank the Senator from West Virginia for allowing me to go ahead of him for a moment or two. I do want to take a few minutes to talk about an amendment which I cosponsored with Senator NELSON of Florida that passed the Senate in the Defense bill and that addresses a problem which has been growing and

which is affecting the readiness of our Armed Forces.

The fact is, predatory payday lenders are targeting American troops and are trying to make a buck off of their service to our country. We rely on the military to protect us, and we have just taken a significant step to protect them from predatory lenders. The Nelson-Talent amendment limits the annual percentage rate that payday lenders can charge soldiers and their spouses to 36 percent or about 1½ to 2 times what credit cards typically charge. I recognize that payday lending can be a risky business, but a triple-digit interest rate, which is commonly charged today, is simply too much.

Some estimate that the average APR on a payday loan today is over 400 percent, and there have been reports of payday loans with more than 800 percent interest rates. This is a national problem. Predatory payday lenders set up shop near our military bases throughout the country and prey on our servicemembers. We know about this problem in Missouri. We have the unfortunate distinction of having a relatively large number and high density of payday lenders around our largest military base, Fort Leonard Wood, in Pulaski County. It is a great base with a lot of service men and women in it. As a result, there are a lot of payday lenders around. St. Robert, which is a small gateway town near the base, only has 5,200 residents but has eight payday lenders. Examples such as St. Robert led professors at the University of Florida and California State University to say that ''irrefutable geographic evidence demonstrates that payday lenders are actively and aggressively targeting U.S. military personnel.'' Military families pay an estimated $80 million annually in payday loan fees.

The problem not only affects military families' financial well-being, it directly impacts troop readiness because these young men and women, many of whom are just out of high school, are not financially sophisticated and fall way behind in these payments. They have to go bankrupt, and then that affects their ability to get security clearances.

In this month's issue of Seapower magazine, Admiral Mike Mullen, Chief of Naval Operations, U.S. Navy, said, ''A sailor's financial readiness directly impacts unit readiness and the navy's ability to accomplish its mission . . . I am concerned with the number of sailors who are taken advantage of by predatory lending practices, the most common of which is the payday loan.''

The Deputy Undersecretary of Defense for Military Community and Family Policy, John Molino, has also said this problem ''affects unit readiness.''

Master Chief Petty Officer of the Navy, Terry Scott, has said ''the No. 1 reason our sailors are forced from one job to another is because they lose their security clearance . . . and the No. 1 reason they lose their security clearance is because of financial difficulties.''

The number of security clearances of sailors and Marines that were revoked or denied due to financial problems have soared from 124 in FY 2000 to 1,999 in 2005. The total for the 6-year period is 5,482. And, that's just for one of the departments.

The impact on readiness is one of the serious ramifications of this problem. But, another consequence is that some servicemembers have ruined their financial lives by taking out payday loans—that automatically rollover—at exorbitant rates they can never payoff.

Navy Petty Officer 2nd Class Jason Withrow, stationed on a nuclear submarine at Kings Bay Naval Submarine Base in Georgia, took a $300 payday loan in summer 2003. He borrowed more to service the fee, and by February 2004, he'd paid about $5,000 in interest on $1,800 in payday loans at four different lenders.

Army Specialist Myron Hicks, stationed at Fort Stewart, GA, borrowed $1,500 for a car repair. He paid back $3,000—twice what he borrowed. I could give a hundred stories like that.

Cristie Worrow, a 29-year-old petty officer second class at the Naval Air Reserve in Jacksonville, FL, took out a $500 payday loan in 1998. Over 3 years she had two more loans and was paying fees that sometimes reached $200 per month. Eventually, she had paid $2,400 in fees.

Our troops deserve uniform, national protection against abusive financial practices that target them. This is clearly a step in the right direction.

An impressive list of military and veteran service organizations, with over 5.5 million members, support the legislation. The Military Coalition includes the Association of the United States Army (AUSA), Military Officers Association of America (MOAA), Veterans of Foreign Wars (VFW), Navy League of the United States (NLUS), Air Force Association (AFA), and Marine Corps League (MCL).

The Undersecretary of Defense for Personnel and Readiness, Dr. David Chu, has expressed his support for the legislation. He has said the legislation ''provides reasonable and appropriate limits.''

Numerous consumer groups like the Center for Responsible Lending, Consumer Federation of America, and Institute of Consumer Financial Education also support the bipartisan amendment.

Mr. President, I feel strongly that we can hold this amendment in conference. I thank the chairman and ranking member. They know how bad this problem is. I am grateful for their help in getting this in the bill. Chairmen CRAIG and SHELBY of the Veterans' and Banking Committees were cooperative in getting this on the bill. I trust our colleagues and friends in the House will understand the importance of holding this amendment.

This abuse of payday lending is compromising the readiness of the U.S. military. The problem has become that big. It is ruining the financial lives of thousands of our service men and women who unknowingly, because of their lack of sophistication, get into debts from these abusive lenders, far greater than they are able to pay.

We have put a stop to that with this amendment. We need to hold it in conference committee. I am confident we will be able to do that. I look forward to working with the Senate and the House to pass this provision into law on behalf of our troops.

I yield the floor.

Mr. WARNER. Mr. President, I thank our colleague from Missouri. He worked very diligently on this amendment. It is another example of how we must reach down from time to time and provide a caring hand for particularly those young men and women in uniform today who, unfortunately, can be victimized because of their individual needs and requirements at a special time. I believe this amendment will go a long way to remedy that situation. I congratulate the Senator for his hard work.

Mr. TALENT. Mr. President, I thank the chairman and appreciate his and Senator LEVIN's work on this amendment.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there be a period of morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

TRIBUTE TO SENATOR JOHN WARNER

Mr. BYRD. Mr. President, I have come to the floor this evening to congratulate my esteemed colleague, the very distinguished and able and honorable and highly respected chairman of the Senate Armed Services Committee, on the completion of his final Defense authorization bill.

He is my chairman, Mr. President. His tenure at the helm of the Armed Services Committee, on which I have the privilege to serve, has been eventful and very distinguished. But then distinguished tenure is not unusual for this Virginia gentlemen—another term I use lovingly and fondly and respectfully because it means something to me, having been in this Senate now for almost 48 years, having been on the Appropriations Committee for almost 48 years, having been on the Armed Services Committee for almost that long. This is a very special man—a Virginia gentleman in every sense of the term. I say this with the utmost admiration. Distinguished tenure is not unusual for this Virginia gentlemen, whose entire life has been spent in the service to his country, to his great State, the Commonwealth of Virginia, the cradle of Presidents.

Since his enlistment in the Navy at the tender age of 17, during World War II, JOHN WILLIAM WARNER, Jr., has put his immense and very considerable talents completely—I say completely—at the disposal of his beloved country. He is in a long line of Virginia gentlemen who have put their talents at the disposal of this beloved country of theirs and ours. A Virginia gentleman. What more noble term could be used? A Virginia gentleman. Whether serving in World War II, the Korean conflict, as an officer in the Marine Corps, or on the U.S. Circuit Court of Appeals, JOHN WARNER always said, ''Here am I. Send me.'' Look at your Bible. Someone else said that. ''Here am I. Send me.'' JOHN WARNER has always said that—''send me.''

JOHN WARNER's remarkable career spiraled ever upward, eventually taking him to the office of assistant U.S. attorney, then to the office of Under Secretary of the Navy, then to the office of the Secretary of the Navy from 1972 to 1974, and finally to his present position as senior U.S. Senator from the great State of Virginia, having now won five consecutive elections to the Senate, beginning in 1978. I was then the majority leader of the Senate, yes, when he came to the Senate.

This year, my friend JOHN WARNER became the second longest serving Senator from Virginia, second only to the illustrious Harry Flood Byrd, Sr., in the 218-year history of the Senate. Senator JOHN WARNER—what a man—is currently serving his 27th year in the U.S. Senate.

What a record of achievement for his country and my country and your country, Mr. President. And what a shining example of dignity, intellect, style, integrity, and talent Senator WARNER presents for the young people of his country and his State and my country and my State. He presents integrity and talent for the young people. Never given to harsh criticism—I have never heard him utter a word of harsh criticism—never given to rhetoric, never succumbing to the rank partisanship which has become so prevalent today in American politics on both sides of the aisle, JOHN WARNER is his own man. That is a lot to say. He is his own man. What more noble attribute? He is his own man, and I am proud to serve with him. I enjoy working with him. I shall miss his very steady hand on the wheel, at the helm of the Armed Services Committee. What a great position, what an honorable position—the helm of the Armed Services Committee. But I will relish the opportunity to work with him for the good of our country in the years to come. Talk about class acts—JOHN WARNER is the classiest of class acts, and his comity, his courtesy, his unfailing good humor, and his refreshing bipartisan attitude are of incalculable benefit to this body. May we be blessed in the Senate by many more like him. I salute Senator JOHN WARNER for his patriotic service—my, look at that record—his patriotic service. How many times has he put his life on the line for the good old red, white, and blue, for Old Glory? I thank him for his patriotic service and for his selfless—selfless—selfless, I say, selfless, leadership. He is my kind of Senator. May God bless him. He is my kind of Senator.

He is the best kind of man. I could say more and more and more about him, and I could say more and more and more about his colleague who works with him on the Armed Services Committee, the Senator from Michigan, Mr. CARL LEVIN. They are two of a kind.

God, give us men! A time like this demands strong minds, great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before a demagogue and brave his treacherous flatteries without winking.
Tall men, sun-crowned; who live above the fog, in public duty and in private thinking.
For while the rabble with its thumbworn creeds,
Its large professions and its little deeds, mingles in selfish strife, lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God, give us men!
Men who serve not for selfish booty; but real men, courageous, who flinch not at duty.
Men of dependable character; men of sterling worth;
Then wrongs will be redressed and right will rule the Earth.
God, give us men!

Men like Senator JOHN WILLIAM WARNER.

Mr. WARNER. Mr. President, at the end of this long day and the conclusion of this Armed Services bill, I thank my colleague. I recognize that under the rules of our caucus I have done my 6 years, and I step down.

Mr. BYRD. And I am sorry about that.

Mr. WARNER. Anyway, I accept that, as we accept other things in life. But the rewards of this institution and service in the Senate are many fold, but none is coveted or desired more than the thoughts and indeed the praise of our fellow colleagues with whom we serve.

I counted up the other day my record—as you say, in the 28th year—which pales in comparison to yours. Senator LEVIN and I have been here these years together, and my calculation is that we have served with 241 Senators in this period of almost 28 years. And I remember—I thought of it last night, Senator BYRD, when I was debating—I think it was close to 11 o'clock—with Senator KERRY. We had the old-fashioned debate with questions and answers, back and forth together.

But when I first came and you were the majority leader, the Halls of this Chamber were literally trembling with the thunder of the debates of TED KENNEDY, Lowell Weicker, Bob Dole. And you were not sparing in the thunder that you have expressed from time to time; not in angst or anger but with thunder as to your convictions. My good friend, Senator LEVIN, we are perhaps a little more modest than those such as Strom Thurmond, and we could go on and name those individuals, back when we did a great deal more debate than we do now in the Senate.

Mr. BYRD. Yes.

Mr. WARNER. But the thoughtful remarks that Senator BYRD give me on this very special day in my humble career in this institution are deeply appreciated by me, by my mother and father who are no longer with me, but they would be grateful, as will be my children when I have the privilege of showing them what the Senator has said.

I remember the trips that we have been on. Senator BYRD took the first group of Senators to meet Gorbachev when he was elevated in the Soviet Union. But I suppose the trip I remember the most was an official trip that we took to Italy, and Senator BYRD took myself and one or two others down, and we saw the Roman forum. It was a hot day, and I remember we paused and he recounted the history of those ruins that stood there, and how so much of the origins of the Senate are derived from that particular chapter of history.

I recall that Senator BYRD—he may not remember this—but he presented each of us with a Roman coin, an old one—I still have it—and on it is printed two letters: S and C—Senatus consultum—which in those times, those coins would not be a factor unless it had ''SC,'' which indicated it is with the approval of the Roman Senate.

Fascinating. Senatus consultum. Advise and consent. How well I remember. He and I serve on this group that we call respectfully the Gang of 14, and the hours that we have spent in your office going over the history of the advise and consent clause in the Constitution, and how best to express the balance between the executive branch and the legislative branch in the process of advice and consent.

Mr. President, I could go on for an endless period. And, yes, I have enjoyed your friendship. I must say that I remember with the deepest of sympathy your lovely wife because she would go with us on those trips——

Mr. BYRD. Yes.

Mr. WARNER. And spare us from some of your wrath and your ability to drive those delegations to utter exhaustion to perform our official duties and perhaps such other things that we did at other times, mostly related to history. How lucky we all are to have served with Senator BYRD. But above all, it is what he has taught us by way of dignity and honesty, or as MacArthur said: ''Duty, honor, and country.''

Mr. BYRD. Thank you.

Mr. WARNER. There you sit, Mr. BYRD, and there is not one among us who will ever be able to match you, I think, in so many ways.

Mr. BYRD. Thank you. Thank you.

Mr. WARNER. I shall always remember you as my teacher in the past, my teacher today, and my teacher so long as the good Lord keeps us here together.

Mr. BYRD. Thank you, thank you.

Mr. WARNER. I thank you, Senator. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I will be very brief. I wanted to get back in time to hear Senator BYRD speak about Senator WARNER. I knew that is what you were going to do, and I missed only the opening. I was back long enough to get the full flavor of what Senator BYRD was saying. The honor that he has just bestowed upon Senator WARNER is genuinely deserved and genuinely delivered. It comes from perhaps not just a Senate man, but the Senate man to another Senate man.

This institution we occupy for different lengths of time, but all relatively brief compared to its history, is really entrusted to all of us. I know of no two Senators sitting right across the aisle from each other in whom that trust is more genuinely felt and recognized and honored than Senator BYRD and Senator WARNER. Just to be able to get back and listen to, Senator BYRD as he spoke about Senator WARNER was a genuine treat for me.

He captured the essence of Senator WARNER. I tried to do it a few times in the last few weeks very briefly, always saying that when we bring back that conference report, which will be Senator WARNER's last conference report as chairman, that I hope there will be many Members on the Senate floor who can try to do what you did so beautifully today, Senator BYRD, which is to capture the essence of the great Senator and to express the gratitude of each of us and everybody in this body, and I know the men and women in the Armed Forces—but truly broader than that, the men and women of the United States—for the service that Senator WARNER is providing.

So I thank Senator BYRD for taking the time to do what each one of us would want to do in our own ways, and that is just simply to acknowledge our love and our respect for a truly great man, a Senate man, from the Senate man, Senator BYRD.

Mr. BYRD. Thank you.

Mr. WARNER. Mr. President, I thank my colleague, CARL LEVIN. As I say, we came here to this institution together and served our entire careers on the Armed Services Committee, and we have shared back and forth the chairmanship and ranking member positions. But I do believe many of the comments that Senator BYRD made about me rest on your shoulders likewise.

He and I have developed a trust and respect. Even though we often vote and cancel one another out on some issues, I think we have managed together to carve out a place in history for the Senate Armed Services Committee, a committee where there is the highest degree of bipartisanship, because our calling is the defense of this Nation and the welfare of the men and women of the Armed Forces and their families. And I have always felt that, and I say with a deep sense of humility that member after member on that committee has always put those obligations, those special trusts ahead of all other considerations. I thank both Senators very much.

Mr. President, I see another Senator seeking recognition, so at this point I yield the floor.

Mr. ALLARD. Mr. President.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would just like to take a moment to express some accolades to my fellow colleagues who are on the Senate floor and say that it is an honor and a pleasure to have an opportunity to serve on the Armed Services Committee under the leadership of the chairman, Senator WARNER, as well as the ranking member, Senator LEVIN. It has also been an honor for me to serve on the Appropriations Committee under the leadership of Senator BYRD, as well as the chairman, Senator COCHRAN. It is the institutional memory that they bring to the process that so many of us appreciate. It is the bipartisan approach they take to solving our legislative problems that brings some peace and understanding, I think, to this process.

I just want to take a moment before I make my official remarks honoring my Congressman from Colorado, to express to the Senators on the floor how much I appreciate their leadership and what they have done and congratulate them on a great Defense bill that we have just passed.

Mr. WARNER. Mr. President, I thank my colleague from Colorado. I must say that he is my eldest daughter's Senator. She lives in his State with her husband and child, and therefore I have a very special affinity for the Senators from Colorado. I have known them for years.

My only regret is that the Senator once served on the Armed Services Committee, but he could not resist the temptation of joining our esteemed colleague, Senator BYRD, on the Appropriations Committee. I have seen many Senators succumb to that same temptation.

At any rate, the Senator from Colorado will always have a place on our committee should he wish to return someday. I thank the Senator.

Mr. ALLARD. I thank the Chairman. I still recognize him as ''Mr. Chairman.'' He has connections to Colorado. I want to share with him my connection I have with Virginia. I have an ancestor who fought in the Revolutionary War who came right out of Bedford, VA. We have deep roots in Virginia. It is always a pleasure for me to get to know your State. I venture to say I have probably spent a lot more time in his State than he realizes, just getting to know it because of my family roots there.

Mr. WARNER. Mr. President, I know the community of Bedford. It is a very historic community.

Mr. ALLARD. It is.

Mr. WARNER. They are very proud of the fact that they erected a magnificent memorial to the men and women of the Armed Forces who served in World War II, and particularly on D-day. The President of the United States came down to speak at the time of the dedication. The sons of Bedford are well known.

As a matter of fact, as a footnote to history, in World War II, of all the communities across this great Nation that lost so many men and women—as you know, over a half million casualties in World War II—Bedford, per capita, on D-day lost more than any other community in America of its sons who fell on those beaches in that historic battle, June 6, 1944.

Mr. ALLARD. That is worth noting. I thank him again for his gracious hospitality and the help he has extended to me in trying to serve the people of Colorado in the debate on this very important bill.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING BARBARA HAWKINS: A PILLAR OF JOURNALISM

Mr. BYRD. Mr. President, when I was a boy growing up in Mercer County, WV, I made it a point to read the Bluefield Daily Telegraph. That was more than a few years ago, but I have not stopped reading the Bluefield newspaper. It is a strong instrument of information and education in the southern coalfields of West Virginia.

That paper has been fortunate to publish the insights and analysis of many fine reporters. One of the best is Barbara Hawkins, who has announced her retirement after three decades of service. She is not only one of the best reporters from the Bluefield paper; she also is one of the best reporters to walk the hills of West Virginia.

Local news media represent a community's window on the school board, city council, and county commission, the State legislature, and the Congress. The local media, more than any other resource, educate people about the issues that directly affect their lives. Barbara Hawkins knows, better than most, how vital a reporter's job is. She understands that newspapers are an instrument to inform the public about

the issues and events that affect their daily lives.

Through her work, Barbara Hawkins served as a teacher and a counselor, a defender of right and a pursuer of wrong, an advocate, a champion, and a friend to all in southern West Virginia.

Now, after three decades of service, Barbara has decided to retire from daily reporting. But, as much as we would expect, she is not giving up the art of writing and informing. Her columns and special projects will continue, allowing all of us to learn from her insights and her experiences.

Most of Barbara's work at the newspaper was in the public eye. But, more than anything else, Barbara's strength came from her deep devotion to her family. We have all walked the terrible journey with her after her daughter, Pam, was taken from this world, a victim of domestic violence more than 20 years ago. Barbara has never been shy about that loss nor about her efforts to prevent that shattering experience from touching other families. But what is not in the headlines is Barbara's incredible commitment to her daughter, Kimberleigh, her granddaughter, Pami, and all of the members of her family. While her work at the paper may be a great love of Barbara's, it pales in comparison to her love of family. Barbara's family is her source of strength and inspiration, now and always.

On a personal level, I will miss reading Barbara's daily reporting. I made a habit of looking for her byline. She has always shown a keen insight into not only southern West Virginia but also statewide and national issues. Her instincts, her institutional knowledge, and her commentary have always caused me, like so many others, to stop and think and to consider alternate approaches. Her commitment to the greater good in society is something for each of us to emulate.

I have often said that as long as there is a forum in which questions can be asked by men and women who do not stand in awe of a chief executive and one can speak as long as one's feet will allow one to stand, the liberties of the American people will be secure. That forum is this Senate. But the same can be said of the news media—the newspapers, radio stations, television stations, and other outlets that provide information that is important to the lives of all Americans. Freedom of the press is a key of this Republic. Without it, the American people can be led to disaster without so much as a whisper. Their freedoms can be trampled; their rights can be subverted.

Barbara Hawkins defended that freedom. She exercised it every single day. And all of us are better for her work.

I thank Barbara for her many years of service to the people of West Virginia and wish her well in the challenges that certainly are ahead of her in her life's journey.

NEVADA'S STATE HEALTH INSURANCE ASSISTANCE PROGRAM VOLUNTEERS

Mr. REID. Mr. President, I rise today to commend Marilyn Wills, the director of Nevada's State Health Insurance Assistance Program, for her efforts during the implementation of the Medicare drug program in my State. I would like to recognize Marilyn for not only her service to Nevada's Medicare beneficiaries, but also for her dedication to her profession and her contributions to the community.

As most of us have surely heard from beneficiaries, the enrollment period for the new drug program was a time of great stress, confusion, and frustration. As seniors, people with disabilities, and their loved ones tried to understand the complicated new drug benefit, decide whether to sign up, and then find the best drug plan to join, many found themselves overwhelmed. And with the May 15 enrollment deadline looming, it became increasingly clear that the public needed better information and better help using that information.

I commend Nevada's State Health Insurance Assistance Program, or SHIP, for heeding this call in my State. Hundreds of SHIP volunteers gave their time and energy to counsel their fellow Nevadans about the new Medicare drug benefit, as well as other components of Medicare, supplemental health insurance, and long-term care. As more Medicare beneficiaries, their families, and friends turned to Nevada SHIP for one-on-one counseling and assistance, SHIP volunteers were eventually responding to over 1,000 phone calls every month. Nevada SHIP also made arrangements for homebound seniors and held outreach events for the community at large. During one 3-day event alone, over 500 Nevadans with Medicare received help from SHIP volunteers. The work of Nevada's SHIP volunteers is truly a testament to the value of public service.

As the director of Nevada's SHIP, Marilyn Wills was at the center of its operations. In that role, she was charged with a wide range of responsibilities, including overseeing the outreach events, giving educational presentations to the public, and training new volunteers. Moreover, Marilyn and the SHIP volunteers had to carry out their work in an environment that is continually evolving with new, uncertain, or changing program rules and details. The manner with which Marilyn carried out her responsibilities has earned her high praise from her colleagues, as well.

In one of many glowing stories about Marilyn that has reached my desk, one says, ''Marilyn worked tirelessly to ensure that all the community groups working on Part D outreach were aware of every event and that this was an inclusive effort. She believes in maximizing efforts to reach the entire community, but her passion focuses on every individual beneficiary and how to help each person get the help they need.'' The observer continues to write, ''She made sure her volunteers knew this was about people helping people. It was important to her that the volunteers and staff feel good about what they were doing, and always see how they were truly helping people that needed the information, or just the human contact to help them be comfortable in understanding all the options.''

The challenge was to inform the citizens of the State of Nevada about the new Medicare drug benefit and to guide them through the enrollment process. It is my pleasure to recognize Marilyn Wills and the Nevada SHIP volunteers for their success in tackling this challenge. They are a credit to all of us working toward the success of the new Medicare drug benefit in Nevada.

RECOGNITION OF GARRETT HALL AND CHRIS SHEA

Mr. REID. Mr. President, I rise today to commend Garrett Hall and Chris Shea, fellow Nevadans who deserve praise for their efforts during the implementation of the new Medicare Part D drug benefit in Nevada.

As most of us have surely heard, the enrollment period was a time of great stress, confusion, and frustration for nearly everyone involved. As seniors, people with disabilities, and their loved ones tried to understand the complicated new drug benefit, decide whether to sign up, and then find the best drug plan to join, many found themselves overwhelmed. Emerging from those reports were also stories about pharmacists who struggled with the numerous implementation problems.

Garrett and Chris, who operate PAX Rx in Reno, NV, are fine examples of pharmacists across the country who did their best to assist those seeking their help and advice. However, Garrett and Chris did more than simply rise to the occasion. By all accounts, they went above and beyond the minimum bar set for them.

For one particularly vulnerable group, the Medicare-Medicaid dual eligible beneficiaries, Garrett and Chris came to the rescue countless times to ensure that they did not fall through the bureaucratic cracks. As many of us know, newspapers widely reported the numerous implementation problems that threatened to keep these dual-eligible beneficiaries from receiving their vitally important medications. Garrett and Chris know that there are real lives behind these facts and statistics because their PAX Rx pharmacy repeatedly intervened on behalf of affected customers. At no cost to such beneficiaries, they provided the needed medications, either by mail or hand delivery.

These two Nevadans' contributions extended beyond the scope of their pharmacy practice. Garrett and Chris also attended townhall meetings and

other public events, seeking out stakeholders in need of guidance and lending their expertise. In the words of one observer, Garrett and Chris ''saved the day for Nevada during the early days of implementation.'' They are among the countless pharmacists who deserve recognition for their efforts in Nevada and across the country.

For these deeds, Garrett and Chris are a credit to all of us working toward the success of the new Medicare drug benefit in Nevada.

HONORING OUR ARMED FORCES

U.S. ARMY SERGEANT DANIEL R. GIONET

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Army SGT Daniel R. Gionet, a brave young American who gave his last full measure in service to our Nation while deployed with the U.S. Army to Iraq, a land far overseas from his Pelham, NH, roots.

Daniel was a 2001 graduate of Pelham High School where he was a three-season athlete competing on the school's football, baseball, and wrestling teams, winning the sportsmanship award his senior year. Friends say he was a team player and the type of guy who, no matter where you went or what you did, could have fun and make you laugh.

Daniel Webster, speaking of early American leaders said, ''While others doubted, they were resolved; where others hesitated they pressed forward.'' In this spirit, Daniel joined the U.S. Army when he turned 18 and left for basic training after graduating from high school. He was assigned to the 3rd Battalion, 6th Field Artillery Regiment, Fort Drum in upstate New York and served at Kandahar Air Field, Afghanistan, from July 2003 to May 2004 in support of Operation Enduring Freedom. Believing in what he was doing and wanting to make the world a safer place, he reenlisted in the U.S. Army to become a medic after his original tour ended in May 2004. After training at Fort Sam Houston in Texas, he was assigned as a health care specialist in the 1st Battalion, 66th Armored Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. In December 2005, Daniel deployed with his unit to Iraq in support of Operation Iraqi Freedom.

Tragically, on June 4, 2006, this brave soldier, and a comrade from his unit, died of injuries sustained while on patrol in Baghdad, Iraq, when an improvised explosive device detonated near their M1A2 tank during combat operations. Sergeant Gionet's awards and decorations include the Bronze Star, Purple Heart, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon 2, Combat Medical Badge, and Expert Weapons Qualification Badge.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and U.S. Army SGT Daniel Gionet served in that fine tradition. Honor, humor, and huge hugs, according to family and friends, were among the qualities Daniel shared with others. They remember him as a true patriot, who had a love for his school, his town, and his country. He was dedicated to serving his Nation during these chaotic and violent times because, in his heart, he felt it was his duty.

My heartfelt sympathy, condolences, and prayers go out to Daniel's wife Katrina, to whom he was married in November 2005, as well as to Daniel's parents, Daniel and Denise, brother Darren, sister Alycia, and other family members and many friends who have suffered this grievous loss. The death of Daniel, only 23 years old, on a battlefield far from New Hampshire is also a great loss for our State, our benevolent Nation, and the world. He will be sorely missed by all; however, his family and friends may sense some comfort in knowing that because of his devotion, sense of duty, and selfless dedication, the safety and liberty of each and every American is more secure. In the words of Daniel Webster—may his remembrance be as long lasting as the land he honored. God bless Daniel R. Gionet.

PRIVATE FIRST CLASS JUSTIN KING

Mr. OBAMA. Mr. President, I rise today to honor a brave soldier, PFC Justin King. After graduating college and working as a civilian, Private King enlisted in the Army Reserve so he could, in his words, do something ''for his country and more than himself.'' While in advanced individual training, Justin was diagnosed with terminal cancer.

Although his body has not responded to chemotherapy treatments and his hope to serve in the field will go unrealized, his illness has failed to break his ironclad spirit. The first time Private King's commanding officer visited him in the hospital, Private King insisted on getting into full uniform before she entered the room. He said that he wanted to ''look like a soldier and stand like a soldier.''

Since returning to Robinson, IL, to be with his family, Private King told his CO: ''I want to serve in some capacity to the best of my ability and until my health fails, as a soldier. I want to tell other soldiers how to deal with a terminal illness, I want to do something useful.''

I am thoroughly impressed by this young man's desire to serve and the resolve he has displayed when faced with adversity. I admire Private King's patriotism, sacrifice, and strong character. He is a role model for all Americans, and I am proud to recognize him today.

CLEAN WATER ACT CHALLENGES

Mr. FEINGOLD. Mr. President, the Supreme Court's decision earlier this week in the consolidated cases of Rapanos v. United States and Carabell v. Army Corps of Engineers should be a source of great concern in this body and this Nation. The plurality opinion, while it did not win the support of a majority of the court, is completely at odds with the text and purpose of the Clean Water Act, would put much of the Nation's waters in jeopardy, and as many have noted, will likely lead to increased litigation.

To prevent further legal wrangling about what Congress meant when it passed what has come to be one of the country's fundamental public health and environmental statutes, Congress must pass the Clean Water Authority Restoration Act. This legislation, S. 912, which I most recently introduced in April 2005, reestablishes protection for all waters historically covered by the Clean Water Act. It also makes clear that Congress's primary concern in 1972 was to protect the Nation's waters from pollution, rather than just sustain the navigability of waterways, and it reinforces that original intent.

Mr. President, I hope that my colleagues—the 85 who are not cosponsors of the bill—will now join me, in light of this week's Supreme Court ruling, to clarify that all of the Nation's waters are important for the health and vitality of our country by supporting passage of the Clean Water Authority Restoration Act.

TRIBUTE TO BONNY JAIN

Mr. OBAMA. Mr. President, I rise today to note with pride an accomplishment of one of my constituents. Bonny Jain, of Moline, IL, won the National Geographic Bee here in Washington, DC, on May 24 by correctly identifying the Cambrian Mountains on a map. I don't know if they have ''phone a friend'' in the bee, but it is good that he didn't call me because I thought a Cambri was a small Toyota.

His victory in this competition demonstrates a laudable dedication to scholarship. As technology makes the world smaller, knowledge of other peoples and cultures becomes more important. And cultures are shaped by geography. Geography is often the main factor in the path of national borders. Under the influence of geography, wars are won and lost, and civilizations rise and fall.

Bonny's path to victory in the 2006 bee was a long one. I am impressed not only by his comprehensive knowledge of geography but by his steady ascent through 4 years of competition. From second place at his individual school's geography bee, he rose to the national competition last year and to victory last month.

I am proud to have this young man and his family as constituents. I give them my heartiest congratulations and

wish Bonny well in high school and beyond.

OFFICIAL LANGUAGE OF THE UNITED STATES

Mr. INHOFE. Mr. President, I ask unanimous consent to have the attached letter printed in the RECORD in support of my amendment No. 4064, to S. 2611.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 1812,
Washington, DC, May 24, 2006.

Hon. JAMES M. INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR INHOFE: As President of AFGE Local 1812, which represents employees at the Voice of America, I want to thank you for your support of making the English language the official language of the United States. Along with 86 percent of the general public, I agree with you on this issue. In this regard, I would also like to bring to your attention another issue that deals with the English language: as a result of the President's 2007 budget request process, the Broadcasting Board of Governors (BBG) plans to eliminate the Voice of America's global English radio broadcasts, VOA News Now.

Since you realize the importance of the English language to this country, I believe you will agree that it is critically important that we communicate with the rest of the world in our de facto national language, in particular because English is the language of business, higher education, youth, international diplomacy, aviation, the Internet, science, popular music, entertainment, and international travel. Other countries realize the importance of broadcasting in English. In fact, China, Russia, and France had all recently increased their international broadcasts in English.

I have attached an article by Georgie Anne Geyer regarding the proposed elimination of the VOA's global English broadcasts. I am hoping you can help stop this decision, which will negatively impact U.S. public diplomacy and America's position in the world.

Sincerely,

TIM SHAMBLE,
President.

AMBASSADOR MAX KAMPELMAN

Mr. LIEBERMAN. Mr. President, I rise today to call attention to an article published in the New York Times earlier this spring titled ''Bombs Away,'' authored by my dear friend, Ambassador Max Kampelman, and to offer it into the Senate record. Ambassador Kampelman exemplifies the American tradition of bipartisan service in foreign affairs. After coming to Washington as an aide to Senator Hubert Humphrey, he was appointed by President Carter to serve as Ambassador and head of the U.S. Delegation to the Conference on Security and Cooperation in Europe. President Reagan reappointed him to that position.

For his long and distinguished service, Ambassador Kampelman was awarded the Presidential Medal of Freedom from President Clinton and the Presidential Citizens Medal from President Reagan.

Now Ambassador Kampelman has penned this insightful essay on the goal of globally eliminating all weapons of mass destruction. He believes that this goal is even important in an age of nuclear proliferation. He speaks from the heart and head and from his long experience as a hardnosed negotiator.

Ambassador Kampelman argues that we can reach this objective by distinguishing between what ''is'' and what ''ought'' to be, utilizing both realism and idealism. He recalls President Regan's successful deployment of the MX missile in Europe to deter Soviet aggression and his ability to recognize new openings, such as the willingness of Mikhail Gorbachev to negotiate steep reductions in nuclear arsenals—with the ultimate goal of eliminating nuclear weapons.

We all recognize that the total elimination of nuclear weapons is an extraordinarily difficult journey in a world where nuclear technology continues to spread and distinction between civilian and military nuclear development can be opaque. Nonetheless, it is important that we envision this worthy goal, however idealistic it may seem today. Ambassador Kampelman stared down the very real prospect of nuclear annihilation during the Cold War. With this article, he offers us hope that with wisdom and constancy, we have a chance to make this world safer for our children and grandchildren.

I therefore request unanimous consent that the attached article by Ambassador Max Kampelman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 24, 2006]

BOMBS AWAY

(By Max M. Kampelman)

In my lifetime, I have witnessed two successful titanic struggles by civilized society against totalitarian movements, those against Nazi fascism and Soviet communism. As an arms control negotiator for Ronald Reagan, I had the privilege of playing a role—a small role—in the second of these triumphs.

Yet, at the age of 85, I have never been more worried about the future for my children and grandchildren than I am today. The number of countries possessing nuclear arms is increasing, and terrorists are poised to master nuclear technology with the objective of using those deadly arms against us.

The United States must face this reality head on and undertake decisive steps to prevent catastrophe. Only we can exercise the constructive leadership necessary to address the nuclear threat.

Unfortunately, the goal of globally eliminating all weapons of mass destruction—nuclear, chemical and biological arms—is today not an integral part of American foreign policy; it needs to be put back at the top of our agenda.

Of course, there will be those who will argue against this bold vision. To these people I would say that there were plenty who argued against it when it was articulated by Mr. Reagan during his presidency.

I vividly recall a White House national security meeting in December 1985, at which the president reported on his first ''get acquainted'' summit in Geneva with President Mikhail Gorbachev of the Soviet Union the previous month.

Sitting in the situation room, the president began by saying: ''Maggie was right. We can do business with this man'' His reference to Prime Minister Margaret Thatcher prompted nods of assent. Then, in a remarkably matter-of-fact tone, he reported that he had suggested to Mr. Gorbachev that their negotiations could possibly lead to the United States and the Soviet Union eliminating all their nuclear weapons.

When the president finished with his report, I saw uniform consternation around that White House table. The concern was deep, with a number of those present—from the secretary of defense to the head of central intelligence to the chairman of the Joint Chiefs of Staff—warning that our nuclear missiles were indispensable. The president listened carefully and politely without responding.

In fact, we did not learn where he stood until October 1986, at his next summit meeting with Mr. Gorbachev, which took place in Reykjavik, Iceland. There, in a stout waterfront house, he repeated to Mr. Gorbachev his proposal for the abolition of all nuclear weapons. Though no agreement was reached, the statement had been made.

More remarkably, it had been made by someone who understood the importance of nuclear deterrence.

In March 1985, before Reagan's first meeting with Mr. Gorbachev, I received a telephone call on a Friday from the president's chief legislative strategist telling me that the administration's request for additional MX missiles was facing defeat in the House of Representatives, and that the president wanted me to return from Geneva (where I was posted as his arms negotiator) for a brief visit. The hope was that I might be able to persuade some of the Democrats to support the appropriation.

I was not and never have been a lobbyist, but I agreed to return to Washington. I wanted my first meeting to be with the speaker of the House, Tip O'Neill, who, I was informed, was the leader of the opposition to the appropriation.

So there I was on Monday morning in O'Neill's private office. I briefed the speaker on the state of negotiations with the Soviets. I made the point that I too would like to live in a world without MX missiles, but that it was dangerous for us unilaterally to reduce our numbers without receiving reciprocal reductions from the Soviets. I then proceeded with my round of talks on the Hill.

At the end of the day, I met alone with the president and told him that O'Neill said we were about 30 votes short. I told the president of my conversation with the speaker and shared with him my sense that O'Neill was quietly helping us, suggesting to his fellow Democrats that he would not be unhappy if they voted against his amendment.

Without a moment's hesitation, the president telephoned O'Neill, and I had the privilege of hearing one side of this conversation between two tough Irishmen, cussing each other out, but obviously friendly and respectful.

I recall that the president's first words went something like this: ''Max tells me that you may really be a patriot. It's about time!'' Suffice it to say that soon after I returned to Geneva I learned that the House had authorized the MX missiles.

There is a moral to these stories: you can be an idealist and a realist at the same time.

What is missing today from American foreign policy is a willingness to hold these two thoughts simultaneously, to find a way to move from what ''is''—a world with a risk of increasing global disaster—to what ''ought'' to be, a peaceful, civilized world free of weapons of mass destruction.

The ''ought'' is an integral part of the political process. Our founding fathers proclaimed the ''ought'' of American democracy in the Declaration of Independence at a time when we had slavery, property qualifications for voting and second-class citizenship for women.

Yet we steadily moved the undesirable ''is'' of our society ever closer to the ''ought'' and thereby strengthened our democracy. When President Gerald Ford signed the Helsinki Final Act in 1975, he was criticized for entering into a process initiated by the Soviet Union. But the agreement reflected a series of humanitarian ''oughts,'' and over the course of the next 10 years, the Soviets were forced by our European friends and us to live up to those ''oughts'' if they were to attain international legitimacy.

An appreciation of the awesome power of the ''ought'' should lead our government to embrace the goal of eliminating all weapons of mass destruction.

To this end, President Bush should consult with our allies, appear before the United Nations General Assembly and call for a resolution embracing the objective of eliminating all weapons of mass destruction.

He should make clear that we are prepared to eliminate our nuclear weapons if the Security Council develops an effective regime to guarantee total conformity with a universal commitment to eliminate all nuclear arms and reaffirm the existing conventions covering chemical and biological weapons.

The council should be assigned the task of establishing effective political and technical procedures for achieving this goal, including both stringent verification and severe penalties to prevent cheating.

I am under no illusion that this will be easy. That said, the United States would bring to this endeavor decades of relevant experience, new technologies and the urgency of self-preservation. The necessary technical solutions can be devised. Now, as I can imagine President Reagan saying, let us summon the will.

CAREGIVERS

Mr. DURBIN. Mr. President, I rise to commend the ongoing efforts of relative caregivers all over the State of Illinois, who have opened their hearts to children whose homes have been broken. Children are placed into foster care for a variety of reasons stemming from neglect to drug-addicted parents and often suffer the consequences of the separation. The fate of children who are not adopted or reunited with their birth parents often spells a legacy of instability. Relatives who welcome these children into their homes offer them a stability that can rarely be found in the foster care system.

Subsidized guardianship helps to remove some of the barriers to keeping displaced children within the family. The main obstacle faced by guardians is the cost of upkeep of additional children. Subsidized guardianship allows relatives to access the same programs that regular foster parents have. These State programs support permanent guardianship placements with relatives by offsetting some of the costs of child rearing.

The correlation between relative placement and success of foster children has never been more apparent than in my own office. One of my summer interns attributes her current success to her aunt and uncle who took both herself and sister in when she was 16. This act of generosity prevented her from dropping out of high school to support her sister. Both girls were too old for adoption and hard to place in foster homes. The placement made it possible for the girls to stay in their current school and their community. Relative care was home when they needed one the most.

As of February 2006, there were over 17,000 children placed in substitute care in Illinois. Across the country, more than 6 million children live in households headed by a grandparent or other relative. Kinship care is important because it helps keep children closer to their family and to their sense of normalcy. Supportive programs such as the Subsidized Guardianship Program help children leave the foster care system for the permanent care of nurturing relatives.

Today I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and our Nation's most valuable asset, our children.

ADDITIONAL STATEMENTS

TRIBUTE TO BEVERLY McDAVID

• Mr. BUNNING. Mr. President, today I pay tribute to Beverly McDavid, a teacher from Elliott County High School in Sandy Hook, KY, who is a recipient of the 2006 Disney Teacher Award. Ms. McDavid is being recognized for her commitment to middle school science education. Her ability to inspire her students with creative thinking and innovative teaching methods has resulted in her achieving this prestigious honor.

The Disney Teacher Awards celebrate teachers that enlighten the lives of children by using creativity in the classroom to encourage them to achieve more then they ever thought possible. Award winners are chosen by their peers, which consist of leading educational associations from around the United States and former Disney Teacher Honorees.

Ms. McDavid brings a unique educational experience to her classroom by encouraging free thinking from her students. She also uses various educational strategies to reach out to the diverse learning needs of her students and encourages them to succeed. Her relentless dedication has proven her a deserving recipient of this outstanding award.

I congratulate Ms. McDavid on being a recipient of the Disney Teacher Award. Her love of teaching and devotion to her students make her an example to all the citizens of the Commonwealth.•

TRIBUTE TO JOHN STROSNIDER

• Mr. BUNNING. Mr. President, today I pay tribute to Dr. John Strosnider of Pikeville, KY, for his induction as the 110th president of the American Osteopathic Association, AOA. His steadfast support reinforces his organization's honorable goal of promoting osteopathic medicine, ensuring quality education and training programs, and preserving basic osteopathic principles.

Dr. Strosnider will lead 56,000 osteopathic physicians and the AOA, an association organized to advance the philosophy and practice of osteopathic medicine by promoting excellence in education, research and the delivery of quality and cost-effective healthcare in a distinct, unified profession.

Dr. Strosnider has been a member of the AOA since 1971 and has served on the board of trustees since 1992. During this time he has served on the Kentucky Board of Medical Licensure and the Get Healthy Kentucky Board. In addition to his leadership roles with the AOA, Dr. Strosnider has served as a member of the Association of Osteopathic Medical Directors and Educators; the Society of Teachers of Family Medicine; the Medical Review Consultants Board of Directors; and the Kentucky Osteopathic Medical Association, KOMA, and was a past president of the Missouri Association of Osteopathic Physicians and Surgeons, MAOPS.

Throughout his career, Dr. Strosnider has received numerous honors including the 2005 KOMA Physician of the Year Award and the 1993 MAOPS Medallion Award.

In September of 1996 Dr. Strosnider was appointed as the founding dean of the Pikeville College School of Osteopathic Medicine. The Pikeville College is the 19th college of osteopathic medicine in the United States. Its objective is to improve the delivery of healthcare to the people in the underserved areas of Appalachia. I have been very impressed with the progress the college has made in expanding access to healthcare in eastern Kentucky.

I thank Dr. Strosnider for his dedication and commitment to osteopathy and congratulate him on his new position. His devotion to medicine serves as an example to all citizens of the Commonwealth.•

100TH ANNIVERSARY OF COLUMBUS, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 7 to 9, the residents of Columbus will gather to celebrate their community's history and founding.

Columbus is a small but welcoming community located in the northwest corner of North Dakota. It was originally founded in 1903 but moved 6 miles

in 1906 to its current location along the Soo Line Railroad. Columbus was named for its second postmaster, Columbus Larson, and it is thought to be the only place named Columbus in the United States that is not named for the famous explorer, Christopher Columbus.

Today, Columbus is a great place for hunting, fishing, and other outdoor activities. Its location near Short Creek Dam adds to the beauty of its landscape and attracts all types of visitors, from the serious outdoorsmen to recreational golfers. Short Creek Dam is a sportsman's dream, with its abundant fish population and quiet seclusion. Columbus is also home to the Oilmen's Golf Tournament, which draws players from around the area.

Columbus is a close-knit community that values togetherness and cooperation. Community members work together to ensure Columbus remains a wonderful place to live and work. The residents of Columbus have many wonderful activities planned to celebrate their 100th anniversary, including parades, a talent show, open golf, games, a street dance, and much more.

Mr. President, I ask the Senate to join me in congratulating Columbus, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Columbus 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 Columbus that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Columbus has a proud past and a bright future.●

100TH ANNIVERSARY OF RYDER, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I wish today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 7 to 9, the residents of Ryder will gather to celebrate their community's history and founding.

Ryder holds an important place in North Dakota's history. Originally, the town chose Centerville as its name, but the post office said that name was already taken. The town was eventually named ''Ryder'' because of Arthur R. Ryder, who lent his coat to the local postal official. To thank Mr. Ryder for his generosity, the postal official named the town after him. Many new businesses started to emerge in Ryder after its founding, including banks, hardware stores, general stores, livery barns, hotels, restaurants, grain elevators, a blacksmith shop, a photograph gallery, and three churches.

Today, Ryder is a vibrant community. The people of Ryder are very proud of their community, and they have a strong sense of camaraderie. Ryder is actively involved in creating new ideas for preserving the town that is so dearly loved by the entire community. Ryder is planning 3 fun-filled days to celebrate its centennial, which will be enjoyed by people of all ages. Activities include dedication of a wall honoring the veterans of Ryder, a magic show, a street dance, and baseball games.

Mr. President, I ask the Senate to join me in congratulating Ryder, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Ryder 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 Ryder that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Ryder has a proud past and a bright future.●

100TH ANNIVERSARY OF PLAZA, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to honor a community in North Dakota that is celebrating its 100th anniversary. On July 20 to 23, the residents of Plaza, ND, will gather to celebrate their community's history and founding.

Plaza is a small town in northwest North Dakota. Despite its small size, Plaza holds an important place in North Dakota's history. Plaza was founded on July 20, 1906, on the Soo Line Railroad and was named to note the central plaza within the business district. The first train arrived in Plaza on December 6, 1906. Plaza was incorporated as a village in 1910 and as a city in 1951, with Roy Sandstrom elected as its first mayor. Among the town's residents were Walter J. Maddock, who served as Governor of North Dakota from 1928 to 1929.

Today, Plaza remains a small, pleasant agricultural town. Residents of the town gather at the hardware store and cafe, watch their children play at the baseball field, or work together at the local farmer's union chapter.

The community has many activities planned for its 4-day celebration. On Thursday, the celebration kicks off with train shuttle rides, a raffle, and several activities in the townhall. Friday highlights including a children's rodeo, a volleyball tournament, and a school alumni social. A parade, softball tournament, and fireworks display are among several of weekend activities. Historical tours of the town will also take place throughout the 4 days of celebration.

Mr. President, I ask the Senate to join me in congratulating Plaza, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Plaza and all the other historic small towns of North Dakota, we keep the pioneering tradition spirit alive for future generations. It is places such as Plaza that have helped to shape this country into what it is today, which is why Plaza is deserving of our recognition.

Plaza has a proud past and a bright future.●

JOHN GONSALVES RECEIVES DAUGHTERS OF THE AMERICAN REVOLUTION MEDAL OF HONOR

● Mr. GREGG. Mr. President, today I wish to recognize the winner of the Daughters of the American Revolution Medal of Honor Award, Mr. John Gonsalves of Taunton, MA. Mr. Gonsalves was nominated by the members of the Molly Stark Chapter of the Daughters of the American Revolution, DAR, in Manchester, NH, to receive this national award.

In the wake of September 11, Mr. Gonsalves was left, like many Americans, with the insatiable desire to do something to help those intimately affected by the tragedy. He was particularly struck by those who have made extraordinary sacrifices on the front lines in the military operations that have followed the September 11 attacks, our wounded soldiers.

Upon seeing these injured soldiers in news reports, Mr. Gonsalves was determined to use his lifelong trade to help these wounded heroes. Having worked extensively in the construction field throughout the last 20 years, he gained expertise in all phases of the construction process, business management, and OSHA safety standards. He started Homes For Our Troops—a nonprofit organization that builds and refits homes across the country for veterans wounded while serving in the Middle East. Mr. Gonsalves has pledged to build these specially adapted residences for our wounded soldiers so long as the need exists at no cost to them.

The brave men and women who put their lives at risk every day to protect our country need to know that their fellow citizens appreciate their sacrifices and will support them long after they return home from the front lines. Mr. Gonsalves' work promotes an extremely noble cause which ensures that our wounded troops, who have worked extraordinarily hard to protect our Nation, have the opportunity to find suitable housing when they return home.

Mr. Gonsalves has shown tremendous qualities of leadership, service, and patriotism by selflessly dedicating himself to a cause that serves a greater purpose and aids those who have sacrificed for our country, and he is certainly deserving of the DAR Medal of Honor Award. I congratulate him on his recognition and commend him for his service to the military community and the positive effects his organization has for our country and especially on our wounded soldiers.●

● Mr. SUNUNU. Mr. President, I also wish to recognize John Gonsalves, a Taunton, MA, resident whose selfless work to improve the lives of troops returning home from battle will be honored with the Daughters of the American Revolution's, DAR, Medal of

Honor Award. Members of the Molly Stark Chapter of the DAR in Manchester, NH, nominated him to receive this distinction.

John was one of millions of Americans who, in the aftermath of the September 11 terrorist attacks, wanted to serve his Nation and fellow countrymen. Having worked extensively in different phases of the construction industry, he sought an opportunity to give back by helping wounded soldiers return to home life.

Unable to find an existing organization that would allow him to volunteer his construction and homebuilding skills, John took action and founded a nonprofit organization that would—Homes for Our Troops. The group, which is based in Taunton, works to build or adapt residences across the country for injured veterans at no cost to these individuals.

American soldiers have left the comfort of home for the perils of faraway battlefields to protect our country and to spread freedom in the world. It is critical that these brave men and women know that their fellow citizens support them—and will continue to do so long after their active duty service is over. John's work to establish Homes for Our Troops helps represent a solemn promise: that the American people will neither forget, nor cease to be grateful, for the courage of our heroic soldiers.

By returning seriously injured veterans to the normalcy of home life as quickly as possible, we honor their enormous sacrifices for our country. Homes for Our Troops performs an invaluable role in this national effort, coordinating donations of money, labor and materials to ensure that seriously injured veterans' homes are handicapped accessible. This work, which contributes conspicuously to the quality of life for severely wounded soldiers, represents the best of the American spirit.

John Gonsalves' patriotism sets an example for all Americans. I join his friends, supporters and members of the DAR's Molly Stark Chapter in commending his praiseworthy efforts on behalf of our veterans, and congratulate him on being selected to receive this prestigious award.●

KATHLEEN MIRABILE RECEIVES OUTSTANDING TEACHER OF AMERICAN HISTORY AWARD

● Mr. GREGG. Mr. President, today I wish to recognize and commend an outstanding teacher from New Hampshire, Kathleen Mirabile, winner of the Daughters of the American Revolution, DAR, Outstanding Teacher of American History Award.

Mrs. Mirabile has dedicated the past 45 years to teaching Social Studies and U.S. History in two public high schools in Manchester, NH. She continues to share her in-depth understanding of the democratic system of government in our country with students every year.

Throughout her 45 years in the Manchester school system, she has come to intimately understand and personify the concept of living history as she has opened students' minds to endless possibilities. She subscribes to the theory that in order to be loyal to our country today, one must be keenly aware of the history that has shaped the extraordinary foundation upon which our country and our government were built. She has made it her goal to ensure students understand the impact that history has on them today and, conversely, the impact that today will have on history.

Entrenched in her belief that every citizen ought to be a student of U.S. history, Mrs. Mirabile has remained a student throughout her entire teaching career—completing graduate studies at the University of New Hampshire and Boston College, as well as participating in countless educational conferences, institutes, and fellowship programs ranging from the National Endowment for the Humanities to Harvard University, allowing her to further her own education as a student while simultaneously enriching her teaching knowledge.

Mrs. Mirabile has taken her passion for history outside of the classroom and required school hours. Beyond her role as a teacher in the high school classroom, Mrs. Mirabile has shared her time and her life with members of the Granite State community by participating and assuming important leadership and advisory roles in numerous educational societies, extracurricular activities, and professional organizations, furthering her own development and gaining the respect and friendship of her students and peers alike.

Teachers like Mrs. Mirabile exemplify the greatest asset in the educational system in our country—dedicated and devoted teachers who take tremendous pride in preparing generations of students to participate in the American dream. Her commitment to her students and the entire community serves as a great role model for everyone around her, and she certainly is deserving of the DAR Outstanding Teacher of American History Award. I congratulate her on this recognition and commend her for her excellence in teaching and the overwhelmingly positive effect she has had on her students and her community.●

● Mr. SUNUNU. Mr. President, I also wish to recognize an outstanding teacher from New Hampshire who will be honored next month with the Daughters of the American Revolution's, DAR, Outstanding Teacher of American History Award.

Kathleen Mirabile has taught history and social studies in Manchester, New Hampshire's public schools for nearly four decades. Through her strong commitment to lifelong learning, Mrs. Mirabile has inspired generations of students in the Queen City. Having contributed conspicuously to the life of her community, Mrs. Mirabile has earned the respect of her peers and students—which is reflected in her nomination by the DAR's Molly Stark Chapter in Manchester to receive this prestigious national award.

A democratic nation such as ours requires informed, active citizens who are able to think critically about complex issues. Knowledge and understanding of American history is therefore essential to ensuring a thoughtful citizenry that is capable of the responsibility of self-government. During her long service as a teacher, at Manchester High School Central and Manchester Memorial High School, Mrs. Mirabile has worked to convey these enduring truths as part of her classroom instruction.

Mindful of the necessity of being prepared to compete in today's society, Mrs. Mirabile has set high standards for her students. Although she has taught students who represent a range of academic ability—including those in her advanced placement U.S. history course—Mrs. Mirabile has consistently pushed them to achieve beyond their limits. In doing so, she has helped her students to mature as learners and as individuals.

A central component of Mrs. Mirabile's approach to teaching—one that distinguishes her—has been to remain a student of history herself. As part of that commitment, she completed graduate studies at the University of New Hampshire and at Boston College; additionally, Mrs. Mirabile has pursued study through the National Endowment for the Humanities, the U.S. Department of Education, and at Harvard University. These experiences have broadened her knowledge, and have helped to make her a more thoughtful, engaging teacher.

Mrs. Mirabile also brings her extensive experience working with the Manchester Historic Association, MHA, to the classroom. Manchester, which was home to the world famous Amoskeag Mills, is a city that is rich in history and culture. As an MHA leader, Mrs. Mirabile has taken her intimate knowledge of Manchester and made the City a history classroom for her students. Through such hands-on learning, Mrs. Mirabile's students are shown that history lessons are not confined to text books; that history is alive in our communities.

Having distinguished herself as a talented and committed educator who has made a difference in the lives of her students, Mrs. Mirabile has set a standard to which other teachers may aspire. I am pleased to join her many friends and admirers—at Central High School, in the city of Manchester, and with the Molly Stark Chapter—in extending congratulations to her for being honored by the DAR for a long career of excellence in teaching.●

PASSING OF EVELYN ''EVY'' DUBROW

• Mr. LAUTENBERG. Mr. President, today I to celebrate the life and work of Evelyn ''Evy'' Dubrow, a longtime champion for working people in our country, who passed away this week at the age of 95.

Evy was loved by many Members of Congress, but I think I will miss her more than most. She came from my hometown of Paterson, NJ. Her parents were immigrants, like my own mother and father. And one of her first jobs was as a reporter at the Paterson Morning Call, which was our local newspaper.

Evy soon moved into union work, first as a secretary for the textile workers union, and then as an assistant to the president of the New Jersey Congress of Industrial Organizations.

In 1956, she came to Washington as a lobbyist for the International Ladies Garment Workers Union. At that time, lobbying was almost exclusively a man's world but although Evy stood just a little bit shy of five feet tall, she never backed down from anyone.

Although she eventually became vice president of the ILGWU, and later of the textile workers union UNITE, she continued to fight here on Capitol Hill for issues that affect working people—especially women.

She was a lobbyist in the most honorable sense of the profession, because she never tried to browbeat or buy a vote. She simply told you why she felt her position was right—and she always did it with conviction. In 1982, a Washington business newspaper named her one of the town's 10 best lobbyists.

In 1999, President Clinton awarded the Medal of Freedom to Evy. It was quite an honor for a daughter of immigrants from Paterson—and it made me proud.

Evy never married, but she doted on her nieces and nephews, and five grandnieces. And workers all across the country thought of her as family. They loved her and trusted her to look out for them.

Everyone who cares about working people will miss Evy. We should also give thanks for her long life and the many things she accomplished. And we must honor her memory by carrying on her fight for fair pay, better education and job training, and safer conditions for working people.•

TRIBUTE TO PHILIP MERRILL

• Ms. MIKULSKI. Mr. President, I wish to pay tribute to the life and legacy of Philip Merrill—journalist, diplomat, philanthropist, patriot—and friend.

Phil Merrill was an original. Yet his life story was the American dream. He was born in a row house in Baltimore. Through hard work and brilliant business sense, he built a major publishing company—Capital-Gazette Newspapers. He was a champion for sound environmental stewardship. He endowed the School of Journalism at the University of Maryland. He served his Nation, and he served his State. And he was part of a strong, loving family.

Phil Merrill ran the oldest continually published newspaper in the United States—the Annapolis Capital. Each of his newspapers is known for strong local coverage and for strong opinion pages. He endowed the Philip Merrill School of Journalism at the University of Maryland—which trains the next generations of journalists in the skills and values that Phil Merrill put into action every day of his life.

Phil Merrill served three Presidents in important international appointments—including Assistant Attorney General of NATO. When he was appointed by President Bush to be president of the Export-Import Bank—I laughed with him, saying ''I thought diplomats were supposed to keep us out of wars.'' A dainty diplomat—no. A determined advocate for democracy—yes.

Phil was also a passionate environmentalist. He especially loved the Chesapeake Bay. He endowed a ''green'' building for the Chesapeake Bay Foundation. This is not just a building where the Bay Foundation does its outstanding education and advocacy work; it is a building with a design that is environmentally friendly.

Much has been said of Phil Merrill's feistiness. Well, I happen to like feisty people. He stood up for what he believed in. He fought for what he felt was right. And he made a difference.

His partner in life was his wife Eleanor. In publishing, in philanthropy, she shared his zest for life and his many passions. I know that Ellie Merrill will continue to guide the institutions that she and Phil built and supported. She and her family are in my thoughts and prayers during this very difficult time.

Phil Merrill's death is a tragedy. Yet his life was a triumph. I ask my colleagues to join me in saluting this extraordinary man.

I ask that an article from the Annapolis Capital be printed in the RECORD.

The material follows.

PHILIP MERRILL, CAPITAL PUBLISHER, DEAD AT 72

Philip Merrill, 72, publisher, diplomat and philanthropist, died June 10 after going sailing aboard his 41-foot sailboat *Merrilly* on the Chesapeake Bay. His body was discovered yesterday in the bay near Poplar Island.

A longtime resident of Arnold, Phil Merrill combined publishing and public service throughout his career. The Baltimore native received a degree in government in 1955 from Cornell University where he was managing editor of the student newspaper. After serving in the Army, he worked for newspapers in New Jersey until 1961 when he joined the State Department and graduated from Harvard University's management development program.

In 1968 he returned to journalism when he bought The Evening Capital with several partners. Later he brought in Landmark Communications Inc. as a minority partner and grew the newspaper's circulation from 13,000 to 48,000. Chairman of the board of Capital-Gazette Communications, he also owned Washingtonian magazine and five other newspapers—the Maryland Gazette, the Bowie Blade-News, the Crofton News-Crier, the West County Gazette and South County Gazette. He also formerly owned Baltimore magazine.

During his public service, he took leaves of absences from the publishing business to serve six presidential administrations.

From 1981 to 1983 he was counselor to the under secretary of defense for policy and from 1990 to 1992 was assistant secretary-general of NATO for defense support in Brussels, Belgium, at the treaty organization headquarters. He also had served on the Department of Defense Policy Board. From 2002 until last summer he was chairman and president of the Export-Import Bank of the United States.

Mr. Merrill represented the U.S. in negotiations on the Law of the Sea Conference, the International Telecommunications Union and various disarmament and exchange agreements with the former Soviet Union. He was a former special assistant to the deputy secretary of state, served as the State Department's senior intelligence analyst for South Asia and worked in the White House on national security affairs.

He was vice chairman of the Center for Strategic and Budgetary Assessments and the U.S. director of the International Institute of Strategic Studies. He also served on the Department of Defense Policy Board and the Department Business Board. During the Gulf War he was on President George H.W. Bush's Air Power Survey and served on President Reagan's Commission on Cost Control.

In 1988 the Secretary of Defense awarded him the Medal for Distinguished Service, the department's highest civilian honor.

Mr. Merrill was chairman of the Capital-Gazette Foundation and the Merrill Family Foundation. He was a trustee of the Aspen Institute, the Chesapeake Bay Foundation, the Johns Hopkins University and the Corcoran Gallery of Art. He was on the board of visitors of the University of Maryland and the boards of the Johns Hopkins School of Advanced International Studies, the Advanced Physics Laboratories, the American Council of Trustees and Alumni, the Johnson School of Management at Cornell, the University of Maryland Foundation, the Federal City Council, the National Archives Foundation and the World Affairs Council of Washington.

His board memberships also included those of Cornell, the Amos Tuck School of Business at Dartmouth, the Washington Airports Task Force and Genesco.

A former fellow of the Institute for International Affairs of the University of Chicago, he also was a member of the Council on Foreign Relations, the Chief Executives Organization and the World Presidents' Organization. For many years he was chairman of the White House Fellows Commission regional panels.

A sailor since age 7, he served in the Merchant Marine to earn money for college. He supported the America's Cup campaigns and the Hospice Cup sailing regatta which raises money for charity.

He donated $1 million to Cornell for a sailing center, $10 million to the University of Maryland School of Journalism, $4 million to the Paul H. Nitze School of Advanced International Studies at Johns Hopkins and $7.5 million to the Chesapeake Bay Foundation for its ''green'' headquarters in Annapolis. Since 1988 Capital-Gazette newspapers have awarded $661,000 in academic scholarships to outstanding high school students.

Mr. Merrill enjoyed his family, snow skiing, sailing and ice cream.

Surviving are his wife of 45 years, Eleanor Pocius Merrill, who has assumed his publishing duties; his family, Doug and Lisa Merrill of Shelburne, Vt., Cathy and Paul Williams of Washington, D.C., and Nancy Merrill of Arlington, Va.; four grandchildren, Alexander Merrill, 6, Jack Merrill, 4, Wynne Williams, 17 months, and Bryce Williams, two weeks old; and one sister, Suzanne Watson of Chicago, Ill.

A celebration of life ceremony for family and friends will be held at 2 p.m. Thursday at Mellon Auditorium, 1301 Constitution Ave. NW, Washington, D.C.

In lieu of flowers, the family requests you cherish a memory.•

OUR LADY OF LOURDES ACADEMY

• Mr. NELSON of Florida. Mr. President, today I congratulate Our Lady of Lourdes Academy for its success in the national final of We the People: The Citizen and the Constitution. This competition is designed to educate young people about the U.S. Constitution and Bill of Rights. I am pleased to announce that Our Lady of Lourdes Academy from Miami, FL placed fourth in the competition. It is fitting that I make this statement just as we celebrate my friend from West Virginia, Senator BYRD, who has spent a lifetime talking about the need for our kids to learn about our Constitution.

The We the People national final is a 3-day academic competition that simulates a congressional hearing in which the students ''testify'' before a panel of judges on constitutional topics. Students demonstrate their knowledge and understanding of constitutional principles as they debate positions on relevant historical and contemporary issues. Mr. President, the names of these outstanding students from Our Lady of Lourdes Academy are: Nicole Azzi, Marta Bakas, Heidi Balsa, Caroline Buckler, Victoria Cabrera, Tatiana Estrada, Christi Falco, Monica Font, Gabrielle Gonzalez, Patricia Herold, Kristina Infante, Janine Lopez, Vanessa Mallol, Christina Martinez, Nina Martinez, Alina Mejer, Natalie Mencio, Natalie Perez, Gabriela Rosell, Anita Viciana, and Erica Watkins. They are taught by Rosie Heffernan. Additional recognition goes to Annette Boyd Pitts and John Doyle, who help coordinate the program in the great State of Florida.

Mr. President and my colleagues in the Senate, please join me in congratulating these young constitutional scholars for their outstanding achievement.•

TRIBUTE IN HONOR OF JEAN SULLIVAN

• Mr. SHELBY. Mr. President, today, I wish to honor the life of Jean Sullivan, who was instrumental in making the Alabama Republican Party what it is today. Jean gracefully represented Alabama for 20 years while serving as a powerful force on the Republican National Committee. She was a close personal friend of mine, and I deeply respected her.

Long before Alabama became a red State on the national election map, Jean was fighting to gain popularity for the party she so adamantly supported. She worked on the forefront of molding what the Republican Party would mean for Alabama. Her efforts in promoting and electing Republican candidates are undeniable. She was outspoken and unafraid to fight for what she believed. Her energy will be missed in our State.

Jean was hard-working, energetic, and a true Republican icon. I am proud of her efforts, and I am grateful for her endless dedication to Alabama politics. I know she will be missed not only by her three sons, Kent, Arthur, and Jim Sullivan, her two daughters, Teresa Collins and Connie McAfee, and her many friends, but also by the many people she worked with and inspired in Alabama politics.•

TRIBUTE TO LIEUTENANT COLONEL STEPHEN M. PARKE

• Mr. THUNE. Mr. President, today I honor LTC Stephen M. Parke. This month Lieutenant Colonel Parke retired from the U.S. Army after nearly 21 years of faithful service to his country.

Lieutenant Colonel Parke is a native of Rapid City, SD. He is also a graduate of the University of South Dakota and the South Dakota School of Law. Lieutenant Colonel Parke then went on to be on the staff of the Judge Advocate. His service has taken him all over the United States as well as to the far corners of the world to places such as Alaska, Kentucky, Virginia, Maryland, Korea, and Cuba.

Throughout his years of service, Lieutenant Colonel Parke has advanced through the ranks, from captain to major and finally to lieutenant colonel. Lieutenant Colonel Parke's exemplary service has earned him several major awards and decorations. These include the Humanitarian Service Medal, the Defense Meritorious Service Medal, and the Meritorious Service Medal with four Oak Leaf Clusters.

It is with great honor that I remember and honor the service provided by LTC Stephen M. Parke to his country. On behalf of a grateful State and a grateful Nation, I wish Lieutenant Colonel Parke all the best in his retirement.•

150TH ANNIVERSARY OF SIOUX FALLS, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I pay tribute to recognize Sioux Falls, SD. The city of Sioux Falls will celebrate the 150th anniversary of its founding this year.

Located in Minnehaha County, Sioux Falls was founded on the banks of the Big Sioux River. The city of Sioux Falls began after speculators from the Western Town Company claimed the town site in 1856. Sioux Falls has been a successful thriving community for the past 150 years, and I am confident it will continue to grow and prosper.

I offer my congratulations to Sioux Falls on their anniversary, and I wish them continued prosperity in the years to come.•

125TH ANNIVERSARY OF WENTWORTH, SD

• Mr. THUNE. Mr. President, today I pay tribute to Wentworth, SD. The town of Wentworth will celebrate the 125th anniversary of its founding this year.

Located in Lake County, Wentworth was founded in 1881 as an agricultural town. Wentworth has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions in the future.

I offer my congratulations to Wentworth on their anniversary, and I wish them continued prosperity in the years to come.•

TRIBUTE TO RUTH ZIOLKOWSKI

• Mr. THUNE. Mr. President, today I wish to recognize the 80th birthday of Mrs. Ruth Ziolkowski.

Ruth Ziolkowski immigrated to South Dakota in 1947 to help Korczak Ziolkowski begin work on the Crazy Horse Memorial sculpture. The two were married in 1950. Since then, Crazy Horse Memorial has made monumental progress with the completion of Crazy Horses' face in 1998 and the building of the access road to the top. To this day, Crazy Horse receives no Federal grant money, relying solely on Ruth's rock-solid dedication to fundraising. As a result of this dedication, Mrs. Ziolkowski has been presented with countless awards and honors over the years. Her unwavering commitment to the arts and to South Dakota has helped to make this powerful monument a reality.

It gives me great pleasure to commemorate the 80th birthday of Ruth Ziolkowski and to wish her continued success in the years to come.•

100TH ANNIVERSARY OF CROCKER, SOUTH DAKOTA

• Mr. THUNE, Mr. President, today I wish to recognize Crocker, SD. The town of Crocker will celebrate the 100th anniversary of its founding this year.

Located in Clark County, Crocker was founded as an agricultural town in 1906. Crocker is just one example of what has made South Dakota the place it is today.

I offer my congratulations to Crocker on their centennial.•

125TH ANNIVERSARY OF GROTON, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Groton, SD, which is celebrating its 125th Anniversary this year.

Located in northeastern South Dakota, Groton was originally developed as a railroad town with the Chicago, Milwaukee and St. Paul Railroad rail lines running through town. In fact, the city was named after Groton, MA, because the railroad officials traveling through Groton were already familiar with the name. Groton is a welcoming community with many great traditions including their ice skating festival, the Carnival of Silver Skates.

I would like to offer my congratulations to Groton on their anniversary and I wish them continued prosperity in the years to come.●

125TH ANNIVERSARY OF BATH, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Bath, SD. The town of Bath will celebrate the 125th anniversary of its founding this year.

Located in Brown County, Bath, like many rural towns in South Dakota, has its roots in agriculture. Now 125 years later, Bath is a great example of what makes South Dakota such a great place to live and do business.

I offer my congratulations to Bath on their 125th anniversary, and I wish them continued prosperity in the years to come.●

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Western Balkans emergency is to continue in effect beyond June 26, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on June 24, 2005, 70 FR 36803.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 has not been resolved. Subsequent to the declaration of the national emergency, I amended Executive Order 13219 in Executive Order 13304 of May 28, 2003, to address acts obstructing implementation of the Ohrid Framework Agreement of 2001 in the Republic of Macedonia, which have also become a concern. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 22, 2006*.

MESSAGE FROM THE HOUSE

At 3:23 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5060. An act to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form.

H.R. 5293. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

H.R. 5573. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals.

H.R. 5603. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 426. Concurrent resolution recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides the Nation.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5060. An act to amend the Federal Financial Assistance Management Improvement Act of 1999 to require data with respect to Federal financial assistance to be available for public access in a searchable and user friendly form; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5293. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5573. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5574. An act to amend the Public Health Service Act to reauthorize support for graduate medical education programs in children's hospitals; to the Committee on Health, Education, Labor, and Pensions.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 426. Concurrent resolution recognizing the Food and Drug Administration of the Department of Health and Human Services on the occasion of the 100th anniversary of the passage of the Food and Drugs Act for the important service it provides to the Nation; to the Committee on Health, Education, Labor, and Pensions.

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–7271. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilburton, Okemah, and McAlester, Oklahoma)'' (MB Docket No. 05-166, RM-11228) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7272. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Louisburg and Hillsborough, North Carolina)'' (MB Docket No. 04-375) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7273. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Weaverville, Palo Cedro, and Alturas, California)'' (MB Docket No. 05-125) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7274. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alturas, California)'' (MB Docket No. 05-123) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7275. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Enfield, New Hampshire; Hartford and White River Junction, Vermont; and Keeseville and Morrisonville, New York)'' (MB Docket No. 05-162) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7276. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Churchville and Keswick, Virginia and Marlinton, West Virginia)'' (MB Docket No. 05-292) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7277. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule

entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Allegan, Otsego and Mattawan, Michigan)'' (MB Docket No. 05-269) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7278. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arnold and City of Angels, California)'' (MB Docket No. 05-316) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7279. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wilson and Knightdale, North Carolina)'' (MB Docket No. 05–121) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7280. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Morro Bay and Oceano, California)'' (MB Docket No. 05–5) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7281. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hattiesburg and Sumrall, Mississippi)'' (MB Docket No. 06–19) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7282. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cherokee Village, Black Rock, and Cave City, Arkansas, and Thayer, Missouri)'' (MB Docket No. 05–104) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7283. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Andover and Haverhill, Massachusetts)'' (MB Docket No. 05–108) received on June 12, 2006; to the Committee on Commerce, Science, and Transportation.

EC–7284. A communication from the President of the United States, transmitting, pursuant to law, a notification relative to the designation of Daniel Pearson as Chairman and Shara L. Aranoff as Vice Chairman of the United States International Trade Commission, effective June 17, 2006; to the Committee on Finance.

EC–7285. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Erickson Post Acquisition, Inc. v. Commissioner'' ((Docket No. 8218–00) (T.C. Memo. 2003–218)) received on June 13, 2006; to the Committee on Finance.

EC–7286. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revocation of 83(b) Elections'' (Rev. Proc. 2006–31) received on June 16, 2006; to the Committee on Finance.

EC–7287. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the San Antonio Valley Viticultural Area'' ((RIN1513–AB02) (T.D. TTB–46)) received on June 14, 2006; to the Committee on the Judiciary.

EC–7288. A communication from the Director, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Electronic Signature and Storage of Form I–9, Employment Eligibility Verification'' (RIN1653–AA47) received on June 16, 2006; to the Committee on the Judiciary.

EC–7289. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7290. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period September 30, 2005 through April 1, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7291. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7292. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Department of Justice's Semiannual Report of the Inspector General and the Semiannual Management Report for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7293. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7294. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual Report on Final Action Resulting from Audit Reports for the period of October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7295. A communication from the Director, Office of Personnel Management (OPM), transmitting, pursuant to law, the Office of Personnel Management 2004 and 2005 Reports on Category Rating; to the Committee on Homeland Security and Governmental Affairs.

EC–7296. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the Gallery's 2005 Inventory of Commercial and Inherently Governmental Activities Report; to the Committee on Governmental Affairs.

EC–7297. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–391, ''Rent Control Reform Amendment Act of 2006'' received on June 18, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7298. 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 06–125–06–138); to the Committee on Foreign Relations.

EC–7299. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Country Reports on Terrorism 2005''; to the Committee on Foreign Relations.

EC–7300. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the February 15, 2006 through April 15, 2006 reporting period; to the Committee on Foreign Relations.

EC–7301. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of $50,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–7302. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for 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–7303. A communication from the Director, Naval Reactors, transmitting, pursuant to law, a report on environmental monitoring and radiological waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

EC–7304. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to a list of Army Major Defense Programs' unit cost metrics having breached the Nunn-McCurdy Unit Cost (NMUC) thresholds; to the Committee on Armed Services.

EC–7305. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (5) officers authorized to wear the insignia of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7306. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (7) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7307. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7308. A communication from the Chief, Policy Section, Military Awards Branch, Department of the Army, transmitting, pursuant to law, the report of a rule entitled ''Decorations, Medals, Ribbons, and Similar Devices'' (RIN0702–AA41) received on June 14, 2006; to the Committee on Armed Services.

EC–7309. A communication from the Chief, Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report of the confirmation of a nominee for the position of

Chief Financial Officer, Corporation for National and Community Service, received on June 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–7310. A communication from the United States Railroad Retirement Board, transmitting, pursuant to law, the Twenty-Third Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7311. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Child Welfare Outcomes 2003: Annual Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–7312. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Department of Health and Human Services' current initiatives in regard to the national preparedness plan and progress in meeting preparedness goals specified in section 101 of the Public Health Security and Bioterrorism Preparedness and Response Act; to the Committee on Health, Education, Labor, and Pensions.

EC–7313. A communication from the Director, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Standards of Conduct for Federal Sector Labor Organizations'' (RIN1215–AB48) received on June 15, 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5384. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–266).

By Mr. ALLARD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 5521. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–267).

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled ''Allocation to Subcommittees of Budget Totals for Fiscal Year 2007'' (Rept. No. 109–268).

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2977. A bill to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the ''Paul Kasten Post Office Building''.

H.R. 3440. A bill to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the ''Dr. Jose Celso Barbosa Post Office Building''.

H.R. 3549. A bill to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the ''William F. Clinger, Jr. Post Office Building''.

H.R. 3934. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''.

H.R. 4108. A bill to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the ''State Senator Verda Welcome and Dr. Henry Welcome Post Office Building''.

H.R. 4456. To designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the ''Hattie W. Caraway Station''.

H.R. 4561. A bill to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the ''Francisco 'Pancho' Medrano Post Office Building''.

H.R. 4688. A bill to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office''.

H.R. 4786. A bill to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the ''H. Gordon Payrow Post Office Building''.

H.R. 4995. A bill to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the ''Ronald Bucca Post Office''.

H.R. 5245. A bill to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building''.

S. 2228. A bill to designate the facility of the United States Postal Service located at 2404 Race Street, Jonesboro, Arkansas, as the ''Hattie W. Caraway Post Office.''.

S. 2376. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''.

S. 2690. A bill 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''.

S. 2722. A bill to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building''.

S. 3187. A bill to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the ''Richard L. Cevoli Post Office.''.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. ROBERTS for the Select Committee on Intelligence.

*Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. DEMINT:

S. 3556. A bill to clarify the rules of origin for certain textile and apparel products; to the Committee on Finance.

By Mr. DURBIN:

S. 3557. A bill to reduce deaths occurring from overdoses of drugs or controlled substances; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mrs. FEINSTEIN):

S. 3558. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management program that will lead to a marked reduction in liver cirrhosis and a reduction in the cases of, and improved survival of, liver cancer caused by chronic hepatitis B infection; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 3559. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. FEINGOLD):

S. 3560. A bill to amend the Federal Election Campaign Act of 1971 to replace the Federal Election Commission with the Federal Election Administration, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Con. Res. 103. A concurrent resolution to correct the enrollment of the bill H.R. 889; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Con. Res. 104. A concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1217

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare

benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. FRIST, his name was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

At the request of Mr. CORNYN, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from New York (Mrs. CLINTON), the Senator from North Carolina (Mr. BURR) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2491, supra.

S. 2663

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2725

At the request of Mrs. CLINTON, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2725, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress.

S. 2810

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 3061

At the request of Mr. TALENT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3061, a bill to extend the patent term for the badge of the American Legion Women's Auxiliary, and for other purposes.

S. 3062

At the request of Mr. TALENT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3062, a bill to extend the patent term for the badge of the American Legion, and for other purposes.

S. 3063

At the request of Mr. TALENT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3063, a bill to extend the patent term for the badge of the Sons of the American Legion, and for other purposes.

S. 3516

At the request of Mr. BINGAMAN, the names of the Senator from Arizona (Mr. KYL) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 3516, a bill to amend title XVIII of the Social Security Act to permanently extend the floor on the Medicare work geographic adjustment under the fee schedule for physicians' services.

S. RES. 359

At the request of Ms. LANDRIEU, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 359, a resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

S. RES. 482

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 482, a resolution supporting the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Res. 494, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 507

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as ''National Mammography Day.''

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Res. 508, supra.

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. Res. 508, supra.

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 508, supra.

AMENDMENT NO. 4231

At the request of Mr. DEWINE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 4231 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4233

At the request of Mr. DEWINE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 4233 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4236

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 4236 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4261

At the request of Mr. NELSON of Florida, his name was withdrawn as a cosponsor of amendment No. 4261 proposed to S. 2766, an original bill 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, and for other purposes.

At the request of Mr. CHAMBLISS, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAIG) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 4261 proposed to S. 2766, supra.

AMENDMENT NO. 4271

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, an original bill 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, and for other purposes.

At the request of Mr. BENNETT, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, supra.

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 4271 proposed to S. 2766, supra.

AMENDMENT NO. 4314

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4314 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4320

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 4320 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4328

At the request of Mr. LOTT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4328 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4332

At the request of Mr. BURNS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4332 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4342

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 4342 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4346

At the request of Mr. LOTT, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4346 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4361

At the request of Mrs. CLINTON, the names of the Senator from Nevada (Mr. REID), the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 4361 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4371

At the request of Mr. COBURN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4371 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4390

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 4390 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

At the request of Mr. TALENT, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAPO) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 4390 intended to be proposed to S. 2766, supra.

AMENDMENT NO. 4413

At the request of Mr. BURNS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of amendment No. 4413 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4423

At the request of Mr. BIDEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4423 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4444

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 4444 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4445

At the request of Mr. BURNS, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of amendment No. 4445 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4447

At the request of Mr. VOINOVICH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of

amendment No. 4447 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4466

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4466 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4471

At the request of Mr. SESSIONS, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Arizona (Mr. KYL), the Senator from South Dakota (Mr. THUNE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4471 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4477

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mrs. CLINTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Ohio (Mr. DEWINE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 4477 proposed to S. 2766, an original bill 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, and for other purposes.

AMENDMENT NO. 4478

At the request of Mr. BYRD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4478 intended to be proposed to S. 2766, an original bill 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3557. A bill to reduce deaths occurring from overdoses of drugs or controlled substances; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, on the first Monday and Tuesday of June, 14 people in Chicago died from an apparent overdose of heroin laced with fentanyl. That brings to 74 the lives lost to heroin and fentanyl in Cook County, IL, this year.

We know that abuse of prescription drugs is on the rise. The manufacture of mind-altering substances is getting easier. Meanwhile, Chicago first responders have treated more than 600 drug overdoses since April. Today I am introducing the Drug Overdose Reduction Act to strengthen and expand the work our communities are doing to prevent overdose deaths from both prescription drug and illicit drug abuse.

The legislation authorizes funding to train first responders, law enforcement officials and corrections officials on how to recognize and respond to an overdose. Funding also would be available for drug overdose prevention programs that provide direct services to people most at risk of an overdose death.

The act would support the important work of organizations like the Chicago Recovery Alliance, which works with a population of people at high risk for overdose deaths. Dr. Sarz Maxwell, medical director for the Alliance, said she knows of several people whose lives have been saved by the consumer education the group provides.

These local outreach and education efforts may be the best tool we have right now for saving lives that would otherwise be lost to drug overdoses. By implementing the Drug Overdose Prevention Act, we can avert the tragic deaths caused by the most recent wave of deadly heroin.

One of the victims in Chicago was just 17 years old. Joseph graduated from high school on Sunday and was found dead in the back of his car on Tuesday.

Deaths like this are tragic for those who have died and their families, but also for the high schools and communities they grew up in. A Chicago police official was quoted in the New York Times saying that it appeared the drug cocktail had killed the young man instantly. Perhaps his death contributed to the decision at the Substance Abuse and Mental Health Administration 2 days later to issue an alert to rehab centers and addiction specialists about the heroin mixed with fentanyl.

I am encouraged that the U.S. Drug Enforcement Administration, working with Chicago police, this week descended on what they believe is the headquarters for local distribution of this deadly drug. I commend the law enforcement officials who are cracking down on illicit drug traffic in my home State of Illinois and across the country. Their work is fundamental to a comprehensive response to senseless deaths due to drug overdoses.

The time has come to put an end to these tragedies. I urge my colleagues to join me in supporting the Drug Overdose Reduction Act to bring resources to community-based efforts to prevent unnecessary deaths by providing information about the dangers of drug abuse, how to find help to break addictions and how to stay alive in the interim.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3557

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 ''Drug Overdose Reduction Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Centers for Disease Control and Prevention reports that 28,723 deaths in the United States in 2003 were attributable to drug-induced causes.

(2) Deaths resulting from drug overdoses have increased 540 percent between 1980 and 1999.

(3) According to the Federal Drug Abuse Warning Network, most drug-induced deaths involve multiple drugs.

(4) An increase in the number of deaths attributable to heroin mixed with fentanyl, a narcotic considered 50 to 100 times more potent than morphine, has been documented in 2005 and 2006.

(5) An estimated 3,000,000 individuals in the United States have serious drug problems.

(6) The damage caused by drug use is not limited to drug abusers. The collateral damage from drug use is enormous, and drug abuse costs society over $60,000,000,000 in social costs and lost productivity.

(7) Community-based programs working with high-risk populations have successfully prevented deaths from drug overdoses through education and access to effective reversal agents, such as naloxone.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) DIRECTOR.—The term ''Director'' means the Director of the Centers for Disease Control and Prevention.

(3) DRUG.—The term ''drug'' has the meaning given the term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)).

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that is a State, local, or tribal government, or a private nonprofit organization.

SEC. 4. OVERDOSE PREVENTION GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under this section for a fiscal year, the Director shall award grants or cooperative agreements to eligible entities to

enable the eligible entities to reduce deaths occurring from overdoses of drugs or controlled substances.

(b) APPLICATION.—

(1) IN GENERAL.—An eligible entity desiring a grant or cooperative agreement under this section shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

(2) CONTENTS.—The application described in paragraph (1) shall include—

(A) a description of the activities the eligible entity will carry out if the entity receives funds under this section;

(B) a demonstration that the eligible entity has the capacity to carry out the activities described in subparagraph (A); and

(C) a certification that the eligible entity meets all State licensure or certification requirements necessary to carry out the activities.

(c) PRIORITY.—In awarding grants or cooperative agreements under subsection (a), the Director shall give priority to eligible entities that are public health agencies or community-based organizations and that have expertise in preventing deaths occurring from overdoses of drugs or controlled substances in populations at high risk of such deaths.

(d) ELIGIBLE ACTIVITIES.—An eligible entity receiving a grant or cooperative agreement under this section shall carry out 1 or more of the following activities:

(1) Training first responders, people affected by drug abuse, and law enforcement and corrections officials on the effective response to individuals who have overdosed on drugs or controlled substances.

(2) Implementing programs to provide overdose prevention, recognition, treatment, or response to individuals in need of such services.

(3) Evaluating, expanding, or replicating a program described in paragraph (1) or (2) that exists as of the date the application is submitted.

(e) REPORT.—Not later than 90 days after the last day of the grant or cooperative agreement period, each eligible entity receiving a grant or cooperative agreement under this section shall prepare and submit a report to the Director describing the results of the program supported under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2007 and 2008, and such sums as may be necessary for each of the fiscal years 2009 through 2011.

SEC. 5. REDUCING OVERDOSE DEATHS.

(a) DATA COLLECTION.—The Director shall annually compile and publish data on the deaths occurring from overdoses of drugs or controlled substances for the preceding year.

(b) PLAN TO REDUCE OVERDOSE DEATHS.—Not later than 180 days after the date of enactment of this Act, the Director shall develop a plan to reduce the number of deaths occurring from overdoses of drugs or controlled substances and shall submit the plan to Congress. The plan shall include—

(1) an identification of the barriers to obtaining accurate data regarding the number of deaths occurring from overdoses of drugs or controlled substances;

(2) an identification of the barriers to implementing more effective overdose prevention strategies; and

(3) recommendations for such legislative or administrative action that the Director considers appropriate.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 103—TO CORRECT THE ENROLLMENT OF THE BILL H.R. 889

Mr. STEVENS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following corrections:

(1) In the table of contents in section 2, strike the item relating to section 414 and insert the following:

''Sec. 414. Navigational safety of certain facilities.''.

(2) Strike section 414 and insert the following:

''SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

''(a) CONSIDERATION OF ALTERNATIVES.—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of a draft environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

''(b) INCLUSION OF NECESSARY TERMS AND CONDITIONS.—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety.''.

SENATE CONCURRENT RESOLUTION 104—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD POSTHUMOUSLY AWARD THE PRESIDENTIAL MEDAL OF FREEDOM TO HARRY W. COLMERY

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 104

Whereas the life of Harry W. Colmery of Topeka, Kansas, was marked by service to his country and its citizens;

Whereas Harry Colmery earned a degree in law in 1916 from the University of Pittsburgh and, through his practice of law, contributed to the Nation, notably by successfully arguing 2 significant cases before the United States Supreme Court, 1 criminal, the other an environmental legal dispute;

Whereas during World War I, Harry Colmery joined the Army Air Service, serving as a first lieutenant at a time when military aviation was in its infancy;

Whereas after World War I, Harry Colmery actively contributed to the growth of the newly formed American Legion and went on to hold several offices in the Legion and was elected National Commander in 1936;

Whereas in 1943, the United States faced the return from World War II of what was to become an active duty force of 15,000,000 soldiers, sailors, airmen, and Marines;

Whereas Harry Colmery, recognizing the potential effect of the return of such a large number of veterans to civilian life, spearheaded the efforts of the American Legion to develop legislation seeking to ensure that those Americans who had fought for the democratic ideals of the Nation and to preserve freedom would be able to fully participate in all of the opportunities the Nation provided;

Whereas in December 1943, during an emergency meeting of the American Legion leadership, Harry Colmery crafted the initial draft of the legislation that became the Servicemen's Readjustment Act of 1944, also known as the GI Bill of Rights;

Whereas the GI Bill of Rights is credited by veterans' service organizations, economists, and historians as the engine that transformed postwar America into a more egalitarian, prosperous, and enlightened Nation poised to lead the world into the 21st century;

Whereas since its enactment, the GI Bill of Rights has provided education or training for approximately 21,000,000 men and women.

Whereas as a result of the benefits available to veterans through the initial GI Bill of Rights, the Nation gained over 800,000 professionals as the GI Bill of Rights transformed these veterans into 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, and 22,000 dentists;

Whereas President Truman established the Presidential Medal of Freedom in 1945 to recognize notable service during war and in 1963, President Kennedy reinstated the medal to honor the achievement of civilians during peacetime;

Whereas pursuant to Executive Order No. 11085, the Presidential Medal of Freedom may be awarded to any person who has made an especially meritorious contribution to ''(1) the security or national interest of the United States, or (2) world peace, or (3) other significant public or private endeavors''; and

Whereas Harry Colmery, noted for his service in the military, in the legal sector, and on behalf of the Nation's veterans, clearly meets the criteria established for the Presidential Medal of Freedom: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery of Topeka, Kansas.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4481. Mr. REED submitted an amendment intended to be proposed to amendment SA 4321 submitted by Mr. WARNER (for Mr. COLEMAN) and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table.

SA 4482. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4483. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4484. Mr. MCCAIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4485. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4486. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4474 submitted by Mr. SESSIONS and intended to be proposed to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4487. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4488. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 4236 submitted by Mr. LUGAR and intended to be proposed to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4489. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4490. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4491. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4454 submitted by him and intended to be proposed to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4492. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4493. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4494. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 2766, supra.

SA 4495. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 2766, supra.

SA 4496. Mr. WARNER (for Mr. CORNYN (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 2766, supra.

SA 4497. Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill S. 2766, supra.

SA 4498. Mr. WARNER (for Mr. ALLEN) proposed an amendment to the bill S. 2766, supra.

SA 4499. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4500. Mr. WARNER (for Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. VITTER, and Ms. LANDRIEU)) proposed an amendment to the bill S. 2766, supra.

SA 4501. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4502. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 2766, supra.

SA 4503. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2766, supra.

SA 4504. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4505. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4506. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 2766, supra.

SA 4507. Mr. LEVIN (for Mrs. BOXER (for herself, Ms. SNOWE, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. CHAMBLISS, Mrs. LINCOLN, Mr. BINGAMAN, Mr. BURNS, Mr. COBURN, Mr. GRASSLEY, Mr. SCHUMER, Ms. COLLINS, and Mr. DEWINE)) proposed an amendment to the bill S. 2766, supra.

SA 4508. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4509. Mr. LEVIN (for Mr. JEFFORDS) proposed an amendment to the bill S. 2766, supra.

SA 4510. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 2766, supra.

SA 4511. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4512. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4513. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4514. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4515. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 2766, supra.

SA 4516. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4517. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4518. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4519. Mr. LEVIN proposed an amendment to the bill S. 2766, supra.

SA 4520. Mr. WARNER (for himself, Mr. LEVIN, Mr. BURNS, and Mr. CONRAD) proposed an amendment to the bill S. 2766, supra.

SA 4521. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4522. Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill S. 2766, supra.

SA 4523. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4524. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill S. 2766, supra.

SA 4525. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, supra.

SA 4526. Mr. LEVIN (for Mr. FEINGOLD (for himself, Mr. BIDEN, Mr. HAGEL, Mr. DURBIN, Mr. COLEMAN, Mr. SALAZAR, Mr. MARTINEZ, Mr. OBAMA, Mr. LEAHY, Mr. LUGAR, and Mr. LEVIN)) proposed an amendment to the bill S. 2766, supra.

SA 4527. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 2766, supra.

SA 4528. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill S. 2766, supra.

SA 4529. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4530. Mr. WARNER (for Mr. TALENT (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 2766, supra.

SA 4531. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4532. Mr. WARNER (for Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. TALENT)) proposed an amendment to the bill S. 2766, supra.

SA 4533. Mr. LEVIN proposed an amendment to the bill S. 2766, supra.

SA 4534. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 2766, supra.

SA 4535. Mr. LEVIN (for Mr. PRYOR (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4536. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill S. 2766, supra.

SA 4537. Mr. WARNER (for Mr. CORNYN) proposed an amendment to the bill S. 2766, supra.

SA 4538. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill S. 2766, supra.

SA 4539. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4540. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill S. 2766, supra.

SA 4541. Mr. LEVIN (for Mr. OBAMA) proposed an amendment to the bill S. 2766, supra.

TEXT OF AMENDMENTS

SA 4481. Mr. REED submitted an amendment intended to be proposed to amendment SA 4321 submitted by Mr. WARNER (for Mr. COLEMAN) and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SA 4482. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

"(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

"(b) SENIOR MILITARY INSTRUCTORS.—

"(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

"(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

"(A) Professional military qualification, as determined by the Secretary of the military department concerned.

''(B) Award of a baccalaureate degree from an institution of higher learning.

''(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

''(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

''(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

''(ii) professional development to meet content knowledge and instructional skills; and

''(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

''(c) NON-SENIOR MILITARY INSTRUCTORS.—

''(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

''(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

''(A) Professional military qualification, as determined by the Secretary of the military department concerned.

''(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

''(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

''(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

''(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

''(ii) professional development to meet content knowledge and instructional skills; and

''(iii) performance evaluation of competencies and standards within the program through site visits and inspections.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

SA 4483. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. PROHIBITION OF FUNDING FOR THE UNITED NATIONS DISARMAMENT COMMISSION.

None of the funds authorized or otherwise made available by this Act or by any other Act may be obligated or expended in connection with United States participation in, or support for, the activities of the United Nations Disarmament Commission as long as Iran serves as a vice-chair of the Commission.

SA 4484. Mr. McCAIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. PROHIBITION ON INCREMENTAL FUNDING AND MULTIYEAR PROCUREMENT RELATING TO F–22A AIRCRAFT.

(a) PROHIBITION ON INCREMENTAL FUNDING OF F–22A AIRCRAFT.—The Secretary of the Air Force shall not use incremental funding for the procurement of F–22A aircraft.

(b) PROHIBITION ON MULTIYEAR CONTRACT FOR PROCUREMENT OF F–22A AIRCRAFT.—The Secretary of the Air Force shall not enter into a multiyear contract for the procurement of F–22A aircraft in fiscal year 2007.

(c) PROHIBITION ON MULTIYEAR CONTRACT FOR PROCUREMENT OF F–119 ENGINES FOR F–22A AIRCRAFT.—The Secretary of the Air Force shall not enter into a multiyear contract for the procurement of F–119 engines for F–22A aircraft in fiscal year 2007.

SA 4485. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. TESTING AND OPERATIONS FOR MISSILE DEFENSE.

(a) AVAILABILITY OF ADDITIONAL AMOUNTS WITHIN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—Within amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount available for the Missile Defense Agency for ballistic missile defense is hereby increased by $45,000,000, with the amount of the increase to be available for Ballistic Missile Defense Midcourse Defense Segment (PE # 63882C)—

(1) to increase the pace of realistic flight testing of the ground-based midcourse defense segment; and

(2) to accelerate the ability to conduct concurrent test and missile defense operations.

(b) SUPPLEMENT.—Amounts available under subsection (a) for the program element referred to in that subsection are in addition to any other amounts available in this Act for the purposes specified in subsection (a).

SA 4486. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 4474 submitted by Mr. SESSIONS and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. COOPERATIVE THREAT REDUCTION AND NUCLEAR NONPROLIFERATION PROGRAMS.

(a) CHEMICAL WEAPONS DEMILITARIZATION.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, COOPERATIVE THREAT REDUCTION PROGRAMS.—The amount authorized to be appropriated by section 301(19) for Cooperative Threat Reduction programs is hereby increased by $50,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(19) for Cooperative Threat Reduction programs, as increased by paragraph (1), $50,000,000 may be available for chemical weapons demilitarization in Libya.

(b) MEGAPORTS PROGRAM.—

(1) ADDITIONAL AMOUNT FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION, DEFENSE NUCLEAR NONPROLIFERATION ACTIVITIES.—The amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $68,900,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities, as increased by paragraph (1), $68,900,000 may be available for the Megaports Program.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby reduced by $118,900,000, with the amount of the reduction to be allocated as follows:

(1) The amount available in Program Element 0603882C for long lead procurement of Ground-Based Interceptors is hereby reduced by $63,100,000.

(2) The amount available in Program Element 0603882C for initial planning, design, and construction of a third Ground-Based Interceptor deployment site in Europe is hereby reduced by $55,800,000.

SA 4487. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. MODIFICATION OF AUTHORITIES RELATING TO THE BUILDING OF THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The President may direct the Secretary of State to work with the Secretary of Defense to provide assistance to help build the capacity of partner nations' military forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—

(1) TRANSFER OF FUNDS.—The Secretary of Defense may support partnership security

capacity building as authorized under subsection (a) by transferring funds authorized to be appropriated by this Act for the Department of Defense for fiscal years 2007 and 2008 to a partnership security building account of the Department of State for use as provided under paragraph (2). Any funds so transferred shall remain available until expended.

(2) USE OF FUNDS.—The funds transferred to the partnership security building account under paragraph (1) shall, subject to the approval of the Secretary of State, be made available for use by the Secretary of Defense to carry out activities to build partnership security capacity. The amount of funds made available for such purpose may not exceed $400,000,000 in any fiscal year.

(d) APPROVAL AND NOTIFICATION REQUIREMENTS.—Not later than 10 days before approving the use by the Secretary of Defense of funds to carry out activities to build partnership security capacity under subsection (c)(2), the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a notification of the countries chosen to be recipients and the specific type of assistance that will be provided, including the specific entity within the recipient country that will be provided the assistance and the type and duration of such assistance.

(e) APPLICABLE LAW.—The President may not exercise the authority in subsection (a) to provide any type of assistance described in subsection (b) or (c) that is otherwise prohibited under any other provision of law.

(f) EXPIRATION.—The authority in this section shall expire on September 30, 2008.

(g) REPEAL OF SUPERSEDED AUTHORITY AND MODIFICATION OF EXISTING REPORTING REQUIREMENT.—Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) is amended—

(1) in the heading, by striking ''**AUTHORITY TO BUILD**'' and inserting ''**REPORT ON**'';

(2) by striking subsections (a), (b), (c), (d), (e), and (g); and

(3) in subsection (f)—

(A) by striking ''(f) REPORT.—'';

(B) by striking ''the congressional committees specified in subsection (e)(3)'' and inserting ''the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives'';

(C) in paragraph (1), by striking '', including strengths and weaknesses for the purposes described in subsection (a)'';

(D) in paragraph (2), by striking '', including for the purposes described in subsection (a)''; and

(E) in paragraph (3), by striking '', including for the purposes described in subsection (a)''.

SA 4488. Mr. DODD (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 4236 submitted by Mr. LUGAR and intended to be proposed to the bill 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, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO THE BUILDING OF THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The President may direct the Secretary of State to work with the Secretary of Defense to provide assistance to help build the capacity of partner nations' military forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—

(1) TRANSFER OF FUNDS.—The Secretary of Defense may support partnership security capacity building as authorized under subsection (a) by transferring funds authorized to be appropriated by this Act for the Department of Defense for fiscal years 2007 and 2008 to a partnership security building account of the Department of State for use as provided under paragraph (2). Any funds so transferred shall remain available until expended.

(2) USE OF FUNDS.—The funds transferred to the partnership security building account under paragraph (1) shall, subject to the approval of the Secretary of State, be made available for use by the Secretary of Defense to carry out activities to build partnership security capacity. The amount of funds made available for such purpose may not exceed $400,000,000 in any fiscal year.

(d) APPROVAL AND NOTIFICATION REQUIREMENTS.—Not later than 10 days before approving the use by the Secretary of Defense of funds to carry out activities to build partnership security capacity under subsection (c)(2), the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a notification of the countries chosen to be recipients and the specific type of assistance that will be provided, including the specific entity within the recipient country that will be provided the assistance and the type and duration of such assistance.

(e) APPLICABLE LAW.—The President may not exercise the authority in subsection (a) to provide any type of assistance described in subsection (b) or (c) that is otherwise prohibited under any other provision of law.

(f) EXPIRATION.—The authority in this section shall expire on September 30, 2008.

(g) REPEAL OF SUPERSEDED AUTHORITY AND MODIFICATION OF EXISTING REPORTING REQUIREMENT.—Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) is amended—

(1) in the heading, by striking ''**AUTHORITY TO BUILD**'' and inserting ''**REPORT ON**'';

(2) by striking subsections (a), (b), (c), (d), (e), and (g); and

(3) in subsection (f)—

(A) by striking ''(f) REPORT.—'';

(B) by striking ''the congressional committees specified in subsection (e)(3)'' and inserting ''the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives'';

(C) in paragraph (1), by striking '', including strengths and weaknesses for the purposes described in subsection (a)'';

(D) in paragraph (2), by striking '', including for the purposes described in subsection (a)''; and

(E) in paragraph (3), by striking '', including for the purposes described in subsection (a)''.

SA 4489. Mr BAYH submitted an amendment intended to be proposed by him to the bill 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, and for other purposes; as follows:

Strike section 1083 and insert the following:

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) The Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, is vital in laying out the strategic military planning and threat objectives of the Department of Defense.

(2) The Quadrennial Defense Review is critical to identifying the correct mix of military planning assumptions, defense capabilities, and strategic focuses for the Armed Forces of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Quadrennial Defense Review is intended to provide more than an overview of global threats and the general strategic orientation of the Department of Defense.

(c) IMPROVEMENTS TO QUADRENNIAL DEFENSE REVIEW.—

(1) CONDUCT OF REVIEW.—Subsection (b) of section 118 of title 10, United States Code, is amended—

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

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) to make recommendations that are not constrained to comply with the budget submitted to Congress by the President pursuant to section 1105 of title 31.''.

(2) ADDITIONAL ELEMENT IN REPORT TO CONGRESS.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting '', the strategic planning guidance,'' after ''United States'';

(B) by redesignating paragraphs (9) through (15) as paragraphs (10) through (16), respectively; and

(C) by inserting after paragraph (8) the following new paragraph (9):

''(9) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.''.

(3) CJCS REVIEW.—Subsection (e)(1) of such section is amended by inserting before the period at the end the following: '' and a description of the capabilities needed to address such risk''.

(4) INDEPENDENT ASSESSMENT.—Such section is further amended by adding at the end the following new subsection:

''(f) INDEPENDENT ASSESSMENT.—(1) Not later than one year before the date a report on a quadrennial defense review is to be submitted to Congress under subsection (d), the President shall appoint a panel to conduct an independent assessment of the review.

''(2) The panel appointed under paragraph (1) shall be composed of seven individuals

(who may not be employees of the Department of Defense) as follows:

''(A) Three members shall be appointed by the President.

''(B) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Speaker of the House of Representatives.

''(C) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the House of Representatives.

''(D) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Majority Leader of the Senate.

''(E) One member shall be appointed by the President in consultation with, and based on the recommendations of, the Minority Leader of the Senate.

''(3) Not later than three months after the date that the report on a quadrennial defense review is submitted to Congress under subsection (d), the panel appointed under paragraph (2) shall provide to the congressional defense committees an assessment of the assumptions, planning guidelines, recommendations, and realism of the review.''.

SA 4490. Mr. BAYH submitted an amendment intended to be proposed by him to the bill 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 Fores, and for other purposes; which was ordered to lie on the table; as follows:

Add at the end the following:

Notwithstanding any other provision of this Act, the provisions of section 363 and the amendment made by the section shall have no force and effect.

SA 4491. Mr. COBURN submitted an amendment intended to be proposed by him to amendment SA 4454 by himself and intended to be proposed to the bill 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 Fores, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on Page 1 of the amendment strike ''Pay-For-Performance-For'' and all that follows and insert:

SEC.____ Reforms to the Defense Travel System to a Fee-For-Use-of-Service System. No later than one year after the enactment of this Act, the Secretary of Defense may not obligate or expend any funds related to the Defense Travel System except those funds obtained through a one-time, fixed price service fee per DOD customer utilizing the system with an additional fixed fee for each transaction.

SA 4492. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) MULTIYEAR CONTRACTING AUTHORITY.—The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) AVAILABILITY OF FUNDS.—Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

SA 4493. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of title XI, add the following:

SEC. 1104. THREE-YEAR EXTENSION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(e)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

SA 4494. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 187, between lines 20 and 21, insert the following:

(c) USE OF ELECTRONIC VOTING TECHNOLOGY.—

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM.—The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))), overseas employees of the Department of Defense, and the dependents of such voters and employees, for the general election and all elections through December 31, 2006.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) FUTURE ELECTIONS.—Not later than May 15, 2007, the Secretary of Defense shall submit to the congressional defense committees a report detailing plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

SA 4495. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle A of title XII add the following:

SEC. 1209. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

(a) ANNUAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report listing all assessed and voluntary contributions of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

SA 4496. Mr. WARNER (for Mr. CORNYN (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle G of title X add the following:

SEC. 1066. REPORT ON BIODEFENSE STAFFING AND TRAINING REQUIREMENTS IN SUPPORT OF NATIONAL BIOSAFETY LABORATORIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, conduct a study to determine the staffing and

training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level (BSL) 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretary of Defense shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level 3 and Biosafety Level 4.

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, biosecurity personnel (including biosafety, physical, and electronic security personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to Congress a report setting forth the results of the study conducted under this section.

SA 4497. Mr. WARNER (for Mr. ALLARD) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called ''black space'') and the non-intelligence aspects of national security space (so-called ''white space'').

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

SA 4498. Mr. WARNER (for Mr. ALLEN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED FORCES APPOINTED AS COMMISSIONED OFFICERS AFTER COMPLETING OFFICER CANDIDATE SCHOOL.

(a) ACCESSION BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 329. Special pay: accession bonus for officer candidates

''(a) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, executes a written agreement described in subsection (b) may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount not to exceed $8,000 determined by the Secretary concerned.

''(b) AGREEMENT.—A written agreement described in this subsection is a written agreement by a person—

''(1) to complete officer candidate school;

''(2) to accept a commission or appointment as an officer of the armed forces; and

''(3) to serve on active duty as a commissioned officer for a period specified in such agreement.

''(c) PAYMENT METHOD.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid in a lump sum or installments.

''(d) REPAYMENT.—A person who, having received all or part of the bonus under a written agreement under subsection (a), does not complete the total period of active duty as a commissioned officer as specified in such agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''329. Special pay: accession bonus for officer candidates.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2006.

(b) AUTHORITY FOR PAYMENT OF BONUS UNDER EARLIER AGREEMENTS.—

(1) IN GENERAL.—The Secretary of the Army may pay a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 6, 2006, executed an agreement to enlist for the purpose of attending officer candidate school and receive a bonus under section 309 of title 37, United States Code, and who has completed the terms of the agreement required for payment of the bonus.

(2) LIMITATION ON AMOUNT.—The amount of the bonus payable to a person under this subsection may not exceed $8,000.

(3) CONSTRUCTION WITH ENLISTMENT BONUS.—The bonus payable under this subsection is in addition to a bonus payable under section 309 of title 37, United States Code, or any other provision of law.

SA 4499. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY OF SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 20. (a) The Director may collect charges for evaluating, certifying, or validating information assurance products under the National Information Assurance Program or successor program.

''(b) The charges collected under subsection (a) shall be established through a public rulemaking process in accordance with Office of Management and Budget Circular No. A–25.

''(c) Charges collected under subsection (a) shall not exceed the direct costs of the program referred to in that subsection.

''(d) The appropriation or fund bearing the cost of the service for which charges are collected under the program referred to in subsection (a) may be reimbursed, or the Director may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

''(e) Amounts collected under this section shall be credited to the account or accounts from which costs associated with such amounts have been or will be incurred, to reimburse or offset the direct costs of the program referred to in subsection (a).''.

SA 4500. Mr. WARNER (for Mr. MARTINEZ (for himself, Mr. NELSON of Florida, Mr. VITTER, and Ms. LANDRIEU)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle B of title I, add the following:

SEC. 114. REPLACEMENT EQUIPMENT.

(a) PRIORITY.—Priority for the distribution of new and combat serviceable equipment, with associated support and test equipment for acting and reserve component forces, shall be given to units scheduled for mission deployment, employment first, or both regardless of component.

(b) ALLOCATION.—In the amounts authorized to be appropriated by section 101(5) for the procurement of replacement equipment, subject to subsection (a), priority for the distribution of Army National Guard equipment described in subsection (a) may be given to States that have experienced a major disaster, as determined under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121–5206), and may require replacement equipment to respond to future emergencies/disasters only after distribution of new and combat serviceable equipment has been made in accordance with subsection (a).

SA 4501. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON VEHICLE-BASED ACTIVE PROTECTION SYSTEMS FOR CERTAIN BATTLEFIELD THREATS.

(a) INDEPENDENT ASSESSMENT.—The Secretary of Defense shall enter into a contract with an appropriate entity independent of the United States Government to conduct an assessment of various foreign and domestic technological approaches to vehicle-based active protection systems for defense against both chemical energy and kinetic energy top attack and direct fire threats, including anti-tank missiles and rocket propelled grenades, mortars, and other similar battlefield threats.

(b) REPORT.—

(1) REPORT REQUIRED.—The contract required by subsection (a) shall require the entity entering in to such contract to submit to the Secretary of Defense, and to the congressional defense committees, not later than 180 days after the date of the enactment of this Act, a report on the assessment required by that subsection.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the feasibility, military utility, cost, and potential short-term and long-term development and deployment schedule of such approaches; and

(B) any other elements specified by the Secretary in the contract under subsection (a).

SA 4502. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. ANNUAL REPORT ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on the amount of the acquisitions made by the agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

(b) CONTENT.—Each report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of—

(A) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

(B) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

(c) PUBLIC AVAILABILITY.—The Department of Defense submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) APPLICABILITY.—This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SA 4503. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. . ANNUAL REPORT ON FOREIGN SALES OF SIGNIFICANT MILITARY EQUIPMENT MANUFACTURED INSIDE THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Department of Defense shall submit a report to Congress on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States.

(b) CONTENT.—Each report required by subsection (a) shall indicate, for each sale in excess of $2,000,000—

(1) the nature of the military equipment sold and the dollar value of the sale;

(2) the country to which the military equipment was sold; and

(3) the manufacturer of the equipment and the State in which the equipment was manufactured.

(c) PUBLIC AVAILABILITY.—The Department of Defense shall make reports submitted under this section publicly available to the maximum extent practicable.

SA 4504. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. EXPANSION AND ENHANCEMENT OF AUTHORITY TO REMIT OR CANCEL INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES.

(a) MEMBERS OF THE ARMY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by striking ''a member of the Army'' and all that follows through ''in an active status'' and inserting ''a member of the Army (including a member on active duty or a member of a reserve component in an active status), a retired member of the Army, or a former member of the Army''.

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding ''or'' at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

''(2) in the case of any other member of the Army covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.''.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3322; 10 U.S.C. 4837 note) is repealed.

(b) MEMBERS OF THE NAVY.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Section 6161 of title 10, United States Code, is amended by striking ''a member of the Navy'' and all that follows through ''in an active status'' and inserting ''a member of the Navy (including a member on active duty or a member of a reserve component in an active status), a retired member of the Navy , or a former member of the Navy''.

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding ''or'' at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

''(2) in the case of any other member of the Navy covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.''.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(b) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.

(c) MEMBERS OF THE AIR FORCE.—

(1) COVERAGE OF ALL MEMBERS AND FORMER MEMBERS.—Subsection (a) of section 4837 of title 10, United States Code, is amended by

striking ''a member of the Air Force'' and all that follows through ''in an active status'' and inserting ''a member of the Air Force (including a member on active duty or a member of a reserve component in an active status), a retired member of the Air Force, or a former member of the Air Force''.

(2) TIME FOR EXERCISE OF AUTHORITY.—Subsection (b) of such section is amended—

(A) in paragraph (1), by adding ''or'' at the end; and

(B) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

''(2) in the case of any other member of the Air Force covered by subsection (a), during such period or periods as the Secretary of Defense may provide in regulations prescribed by the Secretary of Defense.''.

(3) REPEAL OF TERMINATION OF MODIFIED AUTHORITY.—Paragraph (3) of section 683(c) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.

(d) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required for purposes of sections 4837, 6161, and 9837 of title 10, United States Code, as amended by this section, not later than March 1, 2007.

SA 4505. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military acitivites of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. EXCEPTION FOR NOTICE TO CONSUMER REPORTING AGENCIES REGARDING DEBTS OR ERRONEOUS PAYMENTS PENDING A DECISION TO WAIVE, REMIT, OR CANCEL.

(a) EXCEPTION.—Section 2780(b) of title 10, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting ''(1) Except as provided in paragraph (2), the Secretary''; and

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

''(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection is pending under section 2774 of this title, or a decision regarding remission or cancellation is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37), or the designee of such Secretary, determines that disclosure under that paragraph pending such decision is in the best interests of the United States.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2007.

(2) APPLICATION TO PRIOR ACTIONS.—Paragraph (2) of section 2780(b) of title 10, United States Code (as added by subsection (a)), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.

(c) REPORT.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority in section 2780(b) of title 10, United States Code, including—

(1) the total number of members of the Armed Forces who have been reported to consumer reporting agencies under such section;

(2) the circumstances under which such authority has been exercised, or waived (as provided in paragraph (2) of such section (as amended by subsection (a))), and by whom;

(3) the cost of contracts for collection services to recover indebtedness owed to the United States that is delinquent;

(4) an evaluation of whether or not such contracts, and the practice of reporting military debtors to collection agencies, has been effective in reducing indebtedness to the United States; and

(5) such recommendations as the Secretary considers appropriate regarding the continuing use of such authority with respect to members of the Armed Forces.

SA 4506. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military acitivites of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.

(a) CLARIFICATION OF PAY AND ALLOWANCES.—Subsection (a) of section 2774 of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting ''(including any bonus or special or incentive pay)'' after ''pay or allowances''.

(b) WAIVER BY SECRETARIES CONCERNED.—Paragraph (2) of such subsection is amended—

(1) in the matter preceding subparagraph (A), by inserting ''or the designee of such Secretary'' after ''title 37,''; and

(2) in subparagraph (A), by striking ''$1,500'' and inserting ''$10,000''.

(c) TIME FOR WAIVER.—Subsection (b)(2) of such section is amended by striking ''three years'' and inserting ''five years''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2007.

(e) DEADLINE FOR REVISED STANDARDS.—The Director of the Office of Management and Budget and the Secretary of Defense shall prescribe any modifications to the standards under section 2774 of title 10, United States Code, that are required or authorized by reason of the amendments made by this section not later than March 1, 2007.

SA 4507. Mr. LEVIN (for Mrs. BOXER (for herself, Ms. SNOWE, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. CHAMBLISS, Mrs. LINCOLN, Mr. BINGAMAN, Mr. BURNS, Mr. COBURN, Mr. GRASSLEY, Mr. SCHUMER, Ms. COLLINS, and Mr. DEWINE)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the appropriate place, add the following:

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart is the oldest military decoration in the world in present use;

(2) The Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

(3) The award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements by War Department General Orders No. 3, dated February 22, 1932.

(4) The criteria for the award was originally announced in War Department Circular dated February 22, 1932, and revised by Presidential Executive Order 9277, dated December 3, 1942; Executive Order 10409, dated February 12, 1952, Executive Order 11016, dated April 25, 1962, and Executive Order 12464, dated February 23, 1984.

(5) The Purple Heart is awarded in the name of the President of the United States as Commander in Chief to members of the Armed Forces who qualify under criteria set forth by Presidential Executive Order.

(b) DETERMINATION.—As part of the review and report required in subsection (d), the President shall make a determination on expanding eligibility to all deceased servicemembers held as a prisoner of war after December 7, 1941 and who meet the criteria establishing eligibility for the prisoner-of-war medal under section 1128 of Title 10 but who do not meet the criteria establishing eligibility for the Purple Heart.

(c) REQUIREMENTS.—In making the determination described in subsection (b), the President shall take into consideration—

(1) the brutal treatment endured by thousands of POWs incarcerated by enemy forces;

(2) that many service members died due to starvation, abuse, the deliberate withholding of medical treatment for injury or disease, or other causes which do not currently meet the criteria for award of the Purple Heart;

(3) the views of veteran organizations, including the Military Order of the Purple Heart;

(4) the importance and gravity that has been assigned to determining all available facts prior to a decision to award the Purple Heart, and

(5) the views of the Secretary of Defense and the Joint Chiefs of Staff.

(d) REPORT.—Not later than March 1, 2007, the President shall provide the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart to military members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for award of the Purple Heart; and for military members who survive captivity as prisoners of war, but die thereafter as a result of disease or disability incurred during captivity.

SA 4508. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of part I of subtitle A of title V, add the following:

SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Section 7042(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''active-duty or retired'' after ''An'';

(B) by inserting ''or Marine Corps'' after ''Navy'';

(C) by inserting ''or colonel, respectively'' after ''captain''; and

(D) by inserting ''or assigned'' after ''detailed'';

(2) in paragraph (2), by inserting ''and the Commandant of the Marine Corps'' after ''Operations''; and

(3) in paragraph (4)(A)—

(A) by inserting ''(unless such individual is a retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively)'' after ''in the case of a civilian'';

(B) by inserting ''active-duty or retired'' after ''in the case of an''; and

(C) by inserting ''or Marine Corps'' after ''Navy''.

SA 4509. Mr. LEVIN (for Mr. JEFFORDS) proposed an amendment to the bill S. 2766, to the 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, and for other purposes; as follows:

On page 555, strike lines 1 through line 12 and insert the following:

''(B) With respect to activities related to the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground that is not owned by the Federal Government, the Secretary of the Army shall not be considered an owner or operator for purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SA 4510. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 2766, to the 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, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 730. ADDITIONAL AUTHORIZED OPTION PERIODS FOR EXTENSION OF CURRENT CONTRACTS UNDER TRICARE.

(a) ADDITIONAL NUMBER OF AUTHORIZED PERIODS.—

(1) IN GENERAL.—The Secretary of Defense, after consulting with the other administering Secretaries, may extend any contract for the delivery of health care entered into under section 1097 of title 10, United States Code, that is in force on the date of the enactment of this Act by one year, and upon expiration of such extension by one additional year, if the Secretary determines that such extension—

(A) is in the best interests of the United States; and

(B) will—

(i) facilitate the effective administration of the TRICARE program; or

(ii) ensure continuity in the delivery of health care under the TRICARE program.

(2) LIMITATION ON NUMBER OF EXTENSIONS.—The total number of one-year extensions of a contract that may be granted under paragraph (1) may not exceed 2 extensions.

(3) NOTICE AND WAIT.—The Secretary may not commence the exercise of the authority in paragraph (1) until 30 days after the date on which the Secretary submits to the congressional defense committees a report setting forth the minimum level of performance by an incumbent contractor under a contract covered by such paragraph that will be required by the Secretary in order to be eligible for an extension authorized by such paragraph.

(4) DEFINITIONS.—In this subsection, the terms ''administering Secretaries'' and ''TRICARE program'' have the meaning given such terms in section 1072 of title 10, United States Code.

(b) REPORT ON CONTRACTING MECHANISMS FOR HEALTH CARE SERVICE SUPPORT CONTRACTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on contracting mechanisms under consideration for future contracts for health care service support under section 1097 of title 10, United States Code. The report shall include an assessment of the advantages and disadvantages for the Department of Defense (including the potential for stimulating competition and the effect on health care beneficiaries of the Department) of providing in such contracts for a single term of 5 years, with a single optional period of extension of an additional 5 years if performance under such contract is rated as ''excellent''.

SA 4511. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

On page 223, strike line 14 and all that follows through line 23, and insert the following:

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

On page 224, line 15, strike ''Code,'' and insert ''Code (as in effect on the day before the effective date provided under subsection (e)),''.

On page 225, line 13, strike ''1448(d)(2)B)'' and insert ''1448(d)(2)(B)''.

SA 4512. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

On page 214, strike line 3 and insert the following:

(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Section 638(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: ''However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.''.

(c) ENHANCED AUTHORITY FOR SELECTIVE EARLY RETIREMENT AND EARLY DISCHARGES.—

(1) RENEWAL OF AUTHORITY.—Subsection (a) of section 638a of title 10, United States Code, is amended by inserting ''and during the period beginning on October 1, 2006, and ending on December 31, 2012,'' after ''December 31, 2001,''.

(2) RELAXATION OF LIMITATION ON SELECTIVE EARLY RETIREMENT.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: ''However, during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the number of officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade.''.

(3) RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGE.—Subsection (d)(2) of such section is amended—

(A) in subparagraph (A), by inserting before the semicolon the following: '', except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade''; and

(B) in subparagraph (B), by inserting before the period the following: '', except that during the period beginning on October 1, 2006, and ending on December 31, 2012, such number may be more than 30 percent of the officers considered in each competitive category, but may not be more than 30 percent of the number of officers considered in each grade''.

(d) INCREASE IN AMOUNT OF INCENTIVE BONUS

SA 4513. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. DETERMINATION OF RETIRED PAY BASE OF GENERAL AND FLAG OFFICERS BASED ON RATES OF BASIC PAY PROVIDED BY LAW.

(a) DETERMINATION OF RETIRED PAY BASE.—

(1) IN GENERAL.—Chapter 71 of title 10, United States Code, is amended by inserting after section 1407 the following new section:

"§ 1407a. Retired pay base: members who were general or flag officers

''Notwithstanding any other provision of law, if the determination of the retired pay base or retainer pay base under section 1406 or 1407 of this title with respect to a person who was a commissioned officer in pay grades O–7 through O–10 involves a rate or rates of basic pay that were subject to a reduction under section 203(a)(2) of title 37, such determination shall be made utilizing such rate or rates of basic pay in effect as provided by law rather than such rate or rates as so reduced under section 203(a)(2) of title 37.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 71 of such title is amended by inserting after the item relating to section 1407 the following new item:

''1407a. Retired pay base: members who were general or flag officers.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to the computation of retired pay for members of the Armed Forces who retire on or after that date.

SA 4514. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. INAPPLICABILITY OF RETIRED PAY MULTIPLIER MAXIMUM PERCENTAGE TO SERVICE OF MEMBERS OF THE ARMED FORCES IN EXCESS OF 30 YEARS.

(a) IN GENERAL.—Paragraph (3) of section 1409(b) of title 10, United States Code, is amended to read as follows:

''(3) 30 YEARS OF SERVICE.—

''(A) RETIREMENT BEFORE JANUARY 1, 2007.—In the case of a member who retires before January 1, 2007, with more than 30 years of creditable service, the percentage to be used under subsection (a) is 75 percent.

''(B) RETIREMENT AFTER DECEMBER 31, 2006.—In the case of a member who retires after December 31, 2006, with more than 30 years of creditable service, the percentage to be used under subsection (a) is the sum of—

''(i) 75 percent; and

''(ii) the product (stated as a percentage) of—

''(I) 2½; and

''(II) the member's years of creditable service (as defined in subsection (c)) in excess of 30 years of creditable service in any service, regardless of when served, under conditions authorized for purposes of this subparagraph during a period designated by the Secretary of Defense for purposes of this subparagraph.''.

(b) RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12739(c) of such title is amended—

(1) by striking ''The total amount'' and inserting ''(1) Except as provided in paragraph (2), the total amount''; and

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

''(2) In the case of a person who retires after December 31, 2006, with more than 30 years of service credited to that person under section 12733 of this title, the total amount of the monthly retired pay computed under subsections (a) and (b) may not exceed the sum of—

''(A) 75 percent of the retired pay base upon which the computation is based; and

''(B) the product of—

''(i) the retired pay base upon which the computation is based; and

''(ii) 2½ percent of the years of service credited to that person under section 12733 of this title for service, regardless of when served, under conditions authorized for purposes of this paragraph during a period designated by the Secretary of Defense for purposes of this paragraph.''.

SA 4515. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.

(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking ''who dies after November 23, 2003'' and inserting ''who dies after October 7, 2001''.

(b) APPLICABILITY.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

SA 4516. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of division C, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. COMPLETION OF EQUITY FINALIZATION PROCESS FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3412(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended—

(1) by inserting ''(1)'' after ''(g)''; and

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

''(2)(A) In light of the unique role that the independent petroleum engineer who is retained pursuant to paragraph (b)(2) performs in the process of finalizing equity interests, and the importance to the United States taxpayer of timely completion of the equity finalization process, the independent petroleum engineer's 'Shallow Oil Zone Provisional Recommendation of Equity Participation,' which was presented to the equity finalization teams for the Department of Energy and Chevron U.S.A. Inc. on October 1 and 2, 2002, shall become the final equity recommendation of the independent petroleum engineer, as that term is used in the Protocol on NPR-1 Equity Finalization Implementation Process, July 8, 1996, for the Shallow Oil Zone unless the Department of Energy and Chevron U.S.A. Inc. agree in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to either party for any cost or expense incurred or for any loss or damage sustained—

''(i) as a result of the manner in which services are performed by the independent petroleum engineer in accordance with its contract with the Department of Energy to support the equity determination process;

''(ii) as a result of the failure of the independent petroleum engineer in good faith to perform any service or make any determination or computation, unless caused by its gross negligence; or

''(iii) as a result of the reliance by either party on any computation, determination, estimate or evaluation made by the independent petroleum engineer unless caused by the its gross negligence or willful misconduct.

''(B) If Chevron U.S.A. Inc. agrees in writing not later than 60 days after the date of the enactment of this paragraph that the independent petroleum engineer shall not be liable to Chevron U.S.A. Inc. or the Department of Energy for any cost or expense incurred or for any loss or damage described in clauses (i) through (iii) of subparagraph (A), the Department of Energy shall agree to the same not later than such date.''.

SA 4517. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of title XIV, add the following:

SEC. 1414. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.

(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(1) for operation and maintenance for the Army, $1,500,000 may be available for the expansion nationwide of the Our Military Kids youth support program for dependents of elementary and secondary school age of members of the National Guard and Reserve who are severely wounded or injured during deployment.

(b) ARMY NATIONAL GUARD FUNDING FOR EXPANSION OF PROGRAM.—Of the amount authorized to be appropriated by section 1405(6) for operation and maintenance for the Army National Guard, $500,000 may be available for the expansion nationwide of the Our Military Kids youth support program.

SA 4518. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. READING FOR THE BLIND AND DYSLEXIC PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) DEFENSE DEPENDENTS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and

Dyslexic program of the Department of Defense for defense dependents of elementary and secondary school age in the continental United States and overseas.

(b) SEVERELY WOUNDED OR INJURED MEMBERS OF THE ARMED FORCES.—Of the amount authorized to be appropriated by section 1405(5) for operation and maintenance for Defense-wide activities, $500,000 may be available for the Reading for the Blind and Dyslexic program of the Department of Defense for severely wounded or injured members of the Armed Forces.

SA 4519. Mr. LEVIN proposed an amendment to the bill 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, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. HIGHWAY PROJECTS, DETROIT, MICHIGAN.

(a) HIGH PRIORITY PROJECT.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in the item numbered 4333 (119 Stat. 1422) by striking ''Plan and construct, land acquisition, Detroit West Riverfront Greenway'' and inserting ''Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit''.

(b) TRANSPORTATION IMPROVEMENT PROJECT.—The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in the item numbered 196 (119 Stat. 1495) by striking ''Detroit Riverfront Conservancy, West Riverfront Walkway, Greenway and Adjacent Land Acquisition, from Riverfront Towers to Ambassador Bridge, Detroit'' and inserting ''Detroit Riverfront Conservancy, Riverfront walkway, greenway, and adjacent land planning, construction, and land acquisition from Gabriel Richard Park at the Douglas Mac Arthur Bridge to Riverside Park at the Ambassador Bridge, Detroit''.

SA 4520. Mr. WARNER (for himself, Mr. LEVIN, Mr. BURNS, and Mr. CONRAD) proposed an amendment to the bill 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, and for other purposes; as follows:

At end of subtitle D of title I, add the following:

SEC. 147. MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Explanatory Statement of the Committee of Conference on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006, the conferees state that the policy of the United States ''is to deploy a force of 500 ICBMs''. The conferees further note ''that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.''.

(2) The Quadrennial Defense Review (QDR) conducted under section 118 of title 10, United States Code, in 2005 finds that maintaining a robust nuclear deterrent ''remains a keystone of United States national power''. However, notwithstanding that finding and without providing any specific justification for the recommendation, the Quadrennial Defense Review recommends reducing the number of deployed Minuteman III Intercontinental Ballistic Missiles (ICBMs) from 500 to 450 beginning in fiscal year 2007. The Quadrennial Defense Review also fails to identify what unanticipated strategic developments compelled the United States to reduce the Intercontinental Ballistic Missile force structure.

(3) The commander of the Strategic Command, General James Cartwright, testified before the Committee on Armed Services of the Senate that the reduction in deployment of Minuteman III Intercontinental Ballistic Missiles is required so that the 50 missiles withdrawn from the deployed force could be used for test assets and spares to extend the life of the Minuteman III Intercontinental Ballistic Missile well into the future. If spares are not modernized, the Air Force may not have sufficient replacement missiles to sustain the force size.

(b) MODERNIZATION OF INTERCONTINENTAL BALLISTIC MISSILES REQUIRED.—The Air Force shall modernize Minuteman III Intercontinental Ballistic Missiles in the United States inventory as required to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030.

(c) LIMITATION ON TERMINATION OF MODERNIZATION PROGRAM PENDING REPORT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any Minuteman III Intercontinental Ballistic Missile from the active force, until 30 days after the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) A detailed strategic justification for the proposal to reduce the Minuteman III Intercontinental Ballistic Missile force from 500 to 450 missiles, including an analysis of the effects of the reduction on the ability of the United States to assure allies and dissuade potential competitors.

(2) A detailed analysis of the strategic ramifications of continuing to equip a portion of the Minuteman III Intercontinental Ballistic Missile force with multiple independent warheads rather than single warheads as recommended by past reviews of the United States nuclear posture.

(3) An assessment of the test assets and spares required to maintain a force of 500 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(4) An assessment of the test assets and spares required to maintain a force of 450 deployed Minuteman III Intercontinental Ballistic Missiles through 2030.

(5) An inventory of currently available Minuteman III Intercontinental Ballistic Missile test assets and spares.

(6) A plan to sustain and complete the modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles, a test plan, and an analysis of the funding required to carry out modernization of all deployed and spare Minuteman III Intercontinental Ballistic Missiles.

(7) An assessment of whether halting upgrades to the Minuteman III Intercontinental Ballistic Missiles withdrawn from the deployed force would compromise the ability of those missiles to serve as test assets.

(8) A description of the plan of the Department of Defense for extending the life of the Minuteman III Intercontinental Ballistic Missile force beyond fiscal year 2030.

(d) REMOTE VISUAL ASSESSMENT.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $5,000,000 may be available for ICBM Security Modernization (PE #0604851) for Remote Visual Assessment for security for silos for intercontinental ballistic missiles (ICBMs).

(3) OFFSET.—The amount authorized to be appropriated by section 103(2) for procurement of missiles for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to amounts available for the Evolved Expendable Launch Vehicle.

(e) ICBM MODERNIZATION PROGRAM DEFINED.—In this section, the term ''ICBM Modernization program'' means each of the following for the Minuteman III Intercontinental Ballistic Missile:

(1) The Guidance Replacement Program (GRP).

(2) The Propulsion Replacement Program (PRP).

(3) The Propulsion System Rocket Engine (PSRE) program.

(4) The Safety Enhanced Reentry Vehicle (SERV) program.

SA 4521. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of title XIV, add the following:

SEC. 1414. JOINT ADVERTISING, MARKET RESEARCH AND STUDIES PROGRAM.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 4211405(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), $10,000,000 may be available for the Joint Advertising, Market Research and Studies (JAMRS) program.

(c) OFFSET.—The amount authorized to be appropriated by section 421(a) for military personnel is hereby decreased by $10,000,000, due to unexpanded obligations, if available.

SA 4522. Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill 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, and for other purposes; as follows:

At the appropriate place, add the following:

REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary

of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security numbers, contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected, including the security measures in place to prevent unauthorized access or inadvertent disclosure of the data that could lead to identity theft.

SA 4523. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. EXTENSION OF RETURNING WORKER EXEMPTION.

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109–13; 8 U.S.C. 1184 not) is amended by striking ''2006'' and inserting ''2008''.

SA 4523. Mr. WARNER (for Mr. COCHRAN (for himself and Mr. LOTT)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle A of title IX, add following:

SEC. 903. MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION, LOGISTICS, AND TECHNOLOGY MATTERS.

(a) DEPARTMENT OF THE ARMY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Army the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall be a lieutenant general of the Army on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall not be counted against the numbers and percentages of officers of the Army of the grade of lieutenant general.

(b) DEPARTMENT OF THE NAVY.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Navy the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(2) VICE ADMIRAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall be a vice admiral on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition shall not be counted against the numbers and percentages of officers of the grade of vice admiral.

(c) DEPARTMENT OF THE AIR FORCE.—

(1) ESTABLISHMENT OF POSITION.—There is hereby established within the Department of the Air Force the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition.

(2) LIEUTENANT GENERAL.—The individual serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall be a lieutenant general of the Air Force on active duty.

(3) EXCLUSION FROM GRADE AND NUMBER LIMITATIONS.—An officer serving in the position of Military Deputy to the Assistant Secretary of the Air Force for Acquisition shall not be counted against the numbers and percentages of officers of the Air Force of the grade of lieutenant general.

SA 4525. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AIR FORCE SAFETY REQUIREMENTS FOR AIR FORCE FLIGHT TRAINING OPERATIONS AT PUEBLO MEMORIAL AIRPORT, COLORADO.

(a) REPORT REQUIRED.—Not later than February 15, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Air Force flying operations at Pueblo Memorial Airport.

(2) An assessment of the impact of Air Force operations at Pueblo Memorial Airport on non-Air Force activities at the airport.

(3) A description of the requirements necessary at Pueblo Memorial Airport to ensure safe Air Force flying operations, including continuous availability of fire protection, crash rescue, and other emergency response capabilities.

(4) An assessment of the necessity of providing for a continuous fire-fighting capability at Pueblo Memorial Airport.

(5) A description and analysis of alternatives for Air Force flying operations at Pueblo Memorial Airport, including the cost and availability of such alternatives.

(6) An assessment of whether Air Force funding is required to assist the City of Pueblo, Colorado, in meeting Air Force requirements for safe Air Force flight operations at Pueblo Memorial Airport, and if required, the Air Force plan to provide the funds to the City.

SA 4526. Mr. LEVIN (for Mr. FEINGOLD (for himself, Mr. BIDEN, Mr. HAGEL, Mr. DURBIN, Mr. COLEMAN, Mr. SALAZAR, Mr. MARTINEZ, Mr. OBAMA, Mr. LEAHY, Mr. LUGAR, and Mr. LEVIN)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. COMPREHENSIVE STRATEGY FOR SOMALIA.

(a) SENSE OF SENATE.—It is the sense of the Senate that the United States should—

(1) support the development of the Transitional Federal Institutions in Somalia into a unified national government, support humanitarian assistance to the people of Somalia, support efforts to prevent Somalia from becoming a safe haven for terrorists and terrorist activities, and support regional stability;

(2) broaden and integrate its strategic approach toward Somalia within the context of United States activities in countries of the Horn of Africa, including Djibouti, Ethiopia, Kenya, Eritrea, and in Yemen on the Arabian Peninsula; and

(3) carry out all diplomatic, humanitarian, counter-terrorism, and security-related activities in Somalia within the context of a comprehensive strategy developed through an interagency process.

(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY FOR SOMALIA.—

(1) REQUIREMENT FOR STRATEGY.—Not later then 90 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress a comprehensive strategy toward Somalia within the context of United States activities in the countries of the Horn of Africa.

(2) CONTENT OF STRATEGY.—The strategy should include the following:

(A) A clearly stated policy towards Somalia that will help establish a functional, legitimate, unified national government in Somalia that is capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists.

(B) An integrated political, humanitarian, intelligence, and military approach to counter transnational security threats in Somalia within the context of United States activities in the countries of the Horn of Africa.

(C) An interagency framework to plan, coordinate, and execute United States activities in Somalia within the context of other activities in the countries of the Horn of Africa among the agencies and departments of the United States to oversee policy and program implementation.

(D) A description of the type and form of diplomatic engagement to coordinate the implementation of the United States policy in Somalia.

(E) A description of bilateral, regional, and multilateral efforts to strengthen and promote diplomatic engagement in Somalia.

(F) A description of appropriate metrics to measure the progress and effectiveness of the United States policy towards Somalia and throughout the countries of the Horn of Africa.

(G) Guidance on the manner in which the strategy will be implemented.

(c) ANNUAL REPORTS.—Not later than April 1, 2007, and annually thereafter, the President shall prepare and submit to the appropriate committees of Congress a report on the status of the implementation of the strategy.

(d) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committees on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 4527. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1066. REPORT ON FEASIBILITY OF ESTABLISHING REGIONAL COMBATANT COMMAND FOR AFRICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the establishment of a United States Armed Forces regional combatant command for Africa.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a study on the feasibility and desirability of establishing of a United States Armed Forces regional combatant command for Africa;

(2) an assessment of the benefits and problems associated with establishing such a command; and

(3) an estimate of the costs, time, and resources needed to establish such a command.

SA 4528. Mr. WARNER (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 535, between lines 12 and 13, insert the following:

SEC. 2814. NAMING OF MILITARY FAMILY HOUSING FACILITY AT FORT CARSON, COLORADO, IN HONOR OF JOEL HEFLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Secretary of the Army shall designate one of the military family housing areas or facilities constructed for Fort Carson, Colorado, using the authority provided by subchapter IV of chapter 169 of title 10, United States Code, as the ''Joel Hefley Village''. Any reference in any law, regulation, map, document, record, or other paper of the United States to the military housing area or facility designated under this section shall be considered to be a reference to Joel Hefley Village.

SA 4529. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of title XIV, insert the following:

SEC. 1414. SUBMITTAL TO CONGRESS OF DEPARTMENT OF DEFENSE SUPPLEMENTAL AND COST OF WAR EXECUTION REPORTS.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462; 10 U.S.C. 113 note) is amended—

(1) in the subsection caption by inserting ''CONGRESS AND'' after ''SUBMISSION TO''; and

(2) by inserting ''the congressional defense committees and'' before ''the Comptroller General''.

SA 4530. Mr. WARNER (for Mr. TALENT (for himself and Mr. NELSON of Florida)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PATENT TERM EXTENSIONS FOR THE BADGES OF THE AMERICAN LEGION, THE AMERICAN LEGION WOMEN'S AUXILIARY, AND THE SONS OF THE AMERICAN LEGION.

(a) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.—The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(b) PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.—The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

(c) PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.—The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

SA 4531. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. MILITARY TRAINING INFRASTRUCTURE IMPROVEMENTS AT VIRGINIA MILITARY INSTITUTE.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $2,900,000 may be available to the Virginia Military Institute for military training infrastructure improvements to provide adequate to field training of all Armed Forces Reserve Officer Training Corps.

SA 4532. Mr. WARNER (for Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. TALENT)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON USE OF ALTERNATIVE FUELS BY THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of alternative fuels by the Armed Forces and the Defense Agencies, including any measures that can be taken to increase the use of such fuels by the Department of Defense and the Defense Agencies.

(b) ELEMENTS.—The study shall address each matter set forth in paragraphs (1) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3207) with respect to alternative fuels (rather than to the fuels specified in such paragraphs).

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under this section.

(2) MANNER OF SUBMITTAL.—The report required by this subsection may be incorporated into, or provided as an annex to, the study required by section 357(c) of the National Defense Authorization Act for Fiscal Year 2006.

(d) ALTERNATIVE FUELS DEFINED.—In this section, the term ''alternative fuels'' means biofuels, biodiesel, renewable diesel, ethanol that contain less than 85 percent ethyl alcohol, and cellulosic ethanol.

SA 4533. Mr. LEVIN proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1035. FUNDING FOR A CERTAIN MILITARY INTELLIGENCE PROGRAM.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $450,000,000.

(b) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $450,000,000, with the amount of the reduction to be allocated to amounts available for a classified program as described on page 34 of Volume

VII (Compartmented Annex) of the Fiscal Year 2007 Military Intelligence Program justification book.

SA 4534. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS TO IMPROVE SUPPORT TO CIVILIAN AUTHORITIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of prepackaged or preidentified basic response assets, such as medical supplies, food and water, and communications equipment, in order to improve Department of Defense support to civilian authorities.

(b) REIMBURSEMENT.—To the extent required by section 1535 of title 31, United States Code (popularly known as the ''Economy Act''), or other applicable law, the Secretary shall require reimbursement of the Department of Defense for costs incurred in the prepositioning of basic response assets under subsection (a).

(c) LIMITATION.—Basic response assets may not be prepositioned under subsection (a) if the prepositioning of such assets will adversely affect the military preparedness of the United States.

(d) PROCEDURES AND GUIDELINES.—The Secretary may develop procedures and guidelines applicable to the prepositioning of basic response assets under this section.

SA 4535. Mr. LEVIN (for Mr. PRYOR (for himself and Mr. BINGAMAN)) proposed an amendment to the bill 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, and for other purposes; as follows:

On page 531, strike lines 7 through 13 and insert the following:

(3) in subsection (b)(2)(A), by striking ''installations of the Department of Defense as may be designated'' and inserting ''installations of the Department of Defense and related to such vehicles and military support equipment of the Department of Defense as may be designated'';

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following new subsection:

''(e) ENERGY EFFICIENCY IN NEW CONSTRUCTION.—

''(1) The Secretary of Defense shall ensure, to the maximum extent practicable, that energy efficient products meeting the Department's requirements, if cost effective over the life cycle of the product and readily available, be used in new facility construction by or for the Department carried out under this chapter.

''(2) In determining the energy efficiency of products, the Secretary shall consider products that—

''(A) meet or exceed Energy Star specifications; or

''(B) are listed on the Department of Energy's Federal Energy Management Program Product Energy Efficiency Recommendations product list.''.

SA 4536. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. REPORT ON INCORPORATION OF ELEMENTS OF THE RESERVE COMPONENTS INTO THE SPECIAL FORCES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Quadrennial Defense Review recommends an increase in the size of the Special Operations Command and the Special Forces as a fundamental part of our efforts to fight the war on terror.

(2) The Special Forces play a crucial role in the war on terror, and the expansion of their force structure as outlined in the Quadrennial Defense Review should be fully funded.

(3) Expansion of the Special Forces should be consistent with the Total Force Policy.

(4) The Secretary of Defense should assess whether the establishment of additional reserve component Special Forces units and associated units is consistent with the Total Force Policy.

(5) Training areas in high-altitude and mountainous areas represent a national asset for preparing Special Forces units and personnel for duty in similar regions of Central Asia.

(b) REPORT ON INCORPORATION OF ELEMENTS INTO SPECIAL FORCES.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report to address whether units and capabilities should be incorporated into the reserve components of the Armed Forces as part of the expansion of the Special Forces as outlined in the Quadrennial Defense Review, and consistent with the Total Force Policy.

(c) REPORT ON SPECIAL FORCES TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the effort taken by the U.S. Special Operation Command to provide Special Forces training in high-altitude and mountainous areas within the United States.

SA 4537. Mr. WARNER (for Mr. CORNYN) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 762. SENSE OF SENATE ON THE TRANSFORMATIONAL MEDICAL TECHNOLOGY INITIATIVE OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate finds the following:

(1) The most recent Quadrennial Defense Review and other studies have identified the need to develop broad-spectrum medical countermeasures against the threat of genetically engineered bioterror agents.

(2) The Transformational Medical Technology Initiative of the Department of Defense implements cutting edge transformational medical technologies and applies them to address the challenges of known, emerging, and bioengineered threats.

(3) The Transformational Medical Technology Initiative is designed to provide such technologies in a much shorter timeframe, and at lower cost, than is required with traditional approaches.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Transformational Medical Technology Initiative is an important effort to provide needed capability within the Department of Defense to field effective broad-spectrum countermeasures against a significant array of current and future biological threats; and

(2) innovative technological approaches to achieve broad-spectrum medical countermeasures are a necessary component of the capacity of the Department to provide chemical-biological defense and force protection capabilities for the Armed Forces.

SA 4538. Mr. WARNER (for Mr. BURNS (for himself and Mrs. DOLE)) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) SUPPORT FOR FUNERAL HONORS DETAILS COMPOSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1) Subject to such regulations and procedures as the Secretary of Defense may prescribe, the Secretary of the military department of which a veteran was a member may support the conduct of funeral honors for such veteran that are provided solely by members of veterans organizations or other organizations referred to in subsection (b)(2).

''(2) The provision of support under this subsection is subject to the availability of appropriations for that purpose.

''(3) The support provided under this subsection may include the following:

''(A) Reimbursement for costs incurred by organizations referred to in paragraph (1) in providing funeral honors, including costs of transportation, meals, and similar costs.

''(B) Payment to members of such organizations providing such funeral honors of the daily stipend prescribed under subsection (d)(2).''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting ''and subsection (e)'' after ''paragraph (1)(A)''; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting ''(other than a requirement in subsection (e)'' after ''pursuant to this section''.

(b) USE OF EXCESS M–1 RIFLES FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.'';

(2) in subsection (c), by inserting after ''accountability'' the following: '', provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies'';

(3) in subsection (d)—

(A) in paragraph (2), by striking ''; or'' and inserting ''or fire department;'';

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3).''; and

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

''(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

''(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

''(2) is at least 18 years of age; and

''(3) has successfully completed a formal firearm training program or a hunting safety program.''.

SA 4539. Mr. WARNER proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2814. AUTHORITY TO OCCUPY UNITED STATES SOUTHERN COMMAND FAMILY HOUSING.

(a) The Secretary of the Army may authorize family members of a member of the armed forces on active duty who is occupying a housing unit leased under section 2828(b)(4) of title 10, United States Code and who is assigned to a family-member-restricted area to remain in the leased housing unit until the member completes the family-member-restricted tour. Costs incurred for such housing during such tour shall be included in the costs subject to the limitation under subparagraph (B) of that paragraph.

(b) The authority granted by subsection (a) shall expire on September 30, 2008.

SA 4540. Mr. LEVIN (for Mr. REED) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle I of title X, add the following:

SEC. 1084. AVAILABILITY OF FUNDS FOR SOUTH COUNTY COMMUTER RAIL PROJECT, PROVIDENCE, RHODE ISLAND.

Funds available for the South County Commuter Rail project, Providence, Rhode Island, authorized by paragraphs (34) and (35) of section 3034(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall be available for the purchase of commuter rail equipment for the South County Commuter Rail project upon the receipt by the Rhode Island Department of Transportation of an approved environmental assessment for the South County Commuter Rail project.

SA 4541. Mr. LEVIN (for Mr. OBAMA) proposed an amendment to the bill 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, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL GUARD BASES AFFECTED BY 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) REPORT.—Not later than January 1, 2007, the Secretary of the Air Force shall submit to Congress a report on planning by the Department of the Air Force for future roles and missions for active and Air National Guard personnel and installations affected by decisions of the 2005 round of defense base closure and realignment.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the capabilities, characteristics, and capacity of the facilities, infrastructure, and authorized personnel at each affected base;

(2) a description of the planning process used by the Air Force to determine future roles and missions at active and Air National Guard bases affected by the decisions of the 2005 round of defense base closure and realignment, including an analysis of alternatives for installations to support each future role or mission;

(3) a description of the future roles and missions under consideration for each active and Air National Guard base and an explanation of the criteria and decision-making process to make final decisions about future roles and missions for each base; and

(4) a timeline for decisions on the final determination of future roles and missions for each active and Air National Guard base affected by the decisions of the 2005 round of defense base closure and realignment.

(c) BASES COVERED.—The report required under subsection (a) shall include information on each active and Air National Guard base at which the number of aircraft, weapon systems, or functions is proposed to be reduced or eliminated and to any installation that was considered as a potential receiving location for the realignment of aircraft, weapons systems, or functions.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 29, 2006, at 10 a.m. in room SD–366 of the Dirksen Building.

The purpose of the hearing is to receive testimony on H.R. 5254, the Refinery Permit Process Schedule Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact John Peschke at (202) 224–4797, Shannon Ewan at (202) 224–7555.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 19, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to provide oversight on the implementation of Public Law 108–148 (The Healthy Forests Restoration Act).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics at 202–224–2878 or Sara Zecher 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. 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 22, 2006, at 3:30 p.m., to conduct a hearing on ''Reauthorization of the Iran Libya Sanctions Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to hold an Executive Session to begin at 2 p.m. on Thursday, June 22, 2006.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. 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 22, 2006, at 10 a.m. The purpose of

this hearing is to receive testimony on S. 2747, to enhance energy efficiency and conserve oil and natural gas, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 22, 2006, at 9:30 a.m., to hold a hearing on Energy Security in Latin America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 22, 2006, at 2 p.m., to hold a hearing on a nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, June 22, 2006, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, June 22, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting voting out the report on the Indian Lobbying Misconduct Investigation, and other pending matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 22, 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: Brett L. Tolman, to be U.S. Attorney for the District of Utah.

II. Bills: S. 2453, National Security Surveillance Act of 2006, [Specter]; S. 2455, Terrorist Surveillance Act of 2006, [De Wine, 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]; H.R. 1036, Copyright Royalty Judges Program Technical Corrections Act, [Smith–TX]; S. 155, Gang Prevention and Effective Deterrence Act of 2005, [Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter]; S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 [Specter, Leahy, Grassley, Kennedy, DeWine, Feinstein, Brownback, Durbin, Schumer, Kohl, Biden, Feingold]; and S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, [Ensign, Kyl].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. WARNER. 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 22, 2006, to mark up pending VA legislation:

The markup will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The bills to be considered are:

S. 2562 (Chairman LARRY E. CRAIG), the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2006'';

S. 3421 (Chairman LARRY E. CRAIG), A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007.

Committee Print of S. 2694 (Chairman LARRY E. CRAIG), the ''Veterans' Choice of Representation and Benefits Enhancement Act of 2006''. The Committee Print contains the following provisions:

From S. 2694, as introduced: Attorney representation in veterans benefits cases before the Department of Veterans Affairs;

From S. 2659 (Ranking Member DANIEL K. AKAKA): Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands;

From S. 1759 (Chairman LARRY E. CRAIG): Requiring the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery;

From S. 3069 (Senator CHRISTOPHER DODD): Extending the provision of government grave markers;

From S. 2416 (Senator CONRAD BURNS): Expansion of education programs eligible for accelerated payment of educational assistance under the Montgomery GI Bill;

From S. 3363 (Senator MIKE DEWINE): Accelerated payment of survivors' and dependents' educational assistance for certain programs of education;

Original Provision (from Chairman LARRY E. CRAIG): Extend reporting requirement on the operation of the Montgomery GI Bill program;

Original Provision (from Chairman LARRY E. CRAIG): Reducing amounts available for State Approving Agencies in fiscal years 2010 and 2011 paid from VA's readjustment benefit account;

From S. 2121 (Senator CHARLES SCHUMER): Residential cooperative housing units;

From S. 1252 (Ranking Member DANIEL K. AKAKA): Supplemental insurance for totally disabled veterans;

Original Provision (from Chairman LARRY E. CRAIG): Reauthorization for use of certain information from other agencies;

Original Provision (from Chairman LARRY E. CRAIG): Clarification of correctional facilities covered by certain provisions of law.

From S. 1537 (Ranking Member DANIEL K. AKAKA): Establishment of Parkinson's Disease and Multiple Sclerosis Centers of Excellence.

From S. 2634 (Chairman LARRY E. CRAIG): Sections (a)(1) and (b)(1) of it the bill pertaining to Term Limits for the Positions of Under Secretary for Health and Under Secretary for Benefits.

From S. 2762 (Ranking Member DANIEL K. AKAKA): Requirement for VA to pay full costs for certain service-connected veterans residing in state homes, provide medications for certain service-connected conditions to veterans residing in state homes, and create a limited authority for the Secretary to designate certain beds in non-state facilities as state homes for purposes of per diem payments.

From S. 2433 (Senator KEN SALAZAR): A provision to create an Office of Rural Health in the Office of the Under Secretary for Health at the Department of Veterans Affairs.

From S. 2753 (Ranking Member DANIEL K. AKAKA): A provision to authorize a pilot program to provide care-giver assistance and noninstitutional care services.

From S. 3545 (Chairman LARRY E. CRAIG, Ranking Member AKAKA, Senators BURR AND OBAMA):

Improvements to services, housing, and assistance provided to homeless veterans.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 22, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights be authorized to meet on Thursday, June 22, 2006 at 3 p.m. to conduct a hearing on ''The AT&T and BellSouth Merger: What Does it Mean for Consumers?'' in room 226 of the Dirksen Senate Office Building. The witness list is attached.

Panel I: Edward E. Whitacre Jr., Chairman and CEO, AT&T Inc., San Antonio, TX; F. Duane Ackerman,

Chairman and CEO, BellSouth Corporation, Atlanta, GA; James F. Geiger, President and CEO, Cbeyond Communications, Atlanta, GA; and Jonathan L. Rubin, Senior Research Fellow, American Antitrust Institute, Washington, DC.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that on Thursday, June 22, 2006, at 9:30 a.m. the Subcommittee on Clean, Air, Climate Change, and Nuclear Safety be authorized to hold an oversight hearing on the regulatory processes for new and existing nuclear plants.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, June 22, 2006, at 2:30 p.m. for a field hearing regarding ''Lessons Learned? Assuring Healthy Initiatives in Health Information Technology.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 22, 2006 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 574, a bill to amend the Qunebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act; S. 1387, a bill to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of a special resource study of sites and landscape features within the corridor, and to authorize additional appropriations for the corridor; S. 1721, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes; S. 2037, a bill to establish the Sangre De Cristo National Heritage Area in the State of Colorado, and for other purposes; and S. 2645, a bill to establish the journey through Hallowed Ground National Heritage Area and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRADE, TOURISM, AND ECONOMIC DEVELOPMENT

Mr. WARNER. Mr. President. I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation Subcommittee on Trade, Tourism, and Economic Development be authorized to meet on Thursday, June 22, 2006, at 10 a.m. on the state of the U. S. Tourism Industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Bill LaDuke, a legal intern in my office, be granted the privilege of the floor during my remarks on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Air Force MAJ Stephen Purdy be granted the privilege of the floor during the debate on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Chris Thompson, a Marine fellow in the office of Senator BILL NELSON, be granted the privilege of the floor during further consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTING THE ENROLLMENT OF THE CONFERENCE REPORT TO ACCOMPANY H.R. 889

Mr. WARNER. On behalf of the leadership, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 103 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 103) correcting the enrollment of the bill H.R. 889.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 103) was agreed to, as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 889, the Clerk of the House of Representatives shall make the following corrections:

(1) In the table of contents in section 2, strike the item relating to section 414 and insert the following:

''Sec. 414. Navigational safety of certain facilities.''.

(2) Strike section 414 and insert the following:

''SEC. 414. NAVIGATIONAL SAFETY OF CERTAIN FACILITIES.

''(a) CONSIDERATION OF ALTERNATIVES.—In reviewing a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), not later than 60 days before the date established by the Secretary of the Interior for publication of a draft environmental impact statement, the Commandant of the Coast Guard shall specify the reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety with respect to the proposed lease, easement, or right-of-way and each alternative to the proposed lease, easement, or right-of-way considered by the Secretary.

''(b) INCLUSION OF NECESSARY TERMS AND CONDITIONS.—In granting a lease, easement, or right-of-way for an offshore wind energy facility in Nantucket Sound under section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)), the Secretary shall incorporate in the lease, easement, or right-of-way reasonable terms and conditions the Commandant determines to be necessary to provide for navigational safety.''.

COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006

Mr. STEVENS. Mr. President, I rise today to endorse passage of the Coast Guard and Maritime Transportation Act of 2006. However, I would like to clarify several points with regard to section 414 of the conference report. This section deals with construction of offshore wind energy facilities in the area off the coast of Massachusetts known as Nantucket Sound, and it will require the Secretary of the Interior to incorporate any ''reasonable terms and conditions the Commandant of the Coast Guard determines to be necessary to provide for navigational safety.'' Interpretation of this clause will be critical to ensuring that navigation, aviation, and communications are not adversely impacted by construction of such a facility.

A company known as Cape Wind, LLC has proposed the permanent installation of 130 wind turbines, each reaching 417 feet in height, on 24 square miles of Nantucket Sound in an area surrounded by three commercial airports, two busy ferry routes, and a major shipping channel. The area is heavily utilized by commercial fishermen and recreational boaters as well. Perhaps most importantly, the project would be situated less than 15 miles from the only PAVE/PAWS missile defense radar station on the entire eastern seaboard. Studies conducted in and around offshore wind farms in Britain have shown that these installations can have adverse impacts on radar for boats, aircraft, and air traffic controllers, and they may pose a hazard to navigation.

It must be left up to the Commandant of the Coast Guard to decide what is necessary to prevent negative impact to navigation, aviation, and communications caused by the proposed wind farm. We trust the Commandant to act responsibly and only

prescribe reasonable terms and conditions. If someone wants to challenge his decision as unreasonable, they will have to raise the matter in court. It will be up to the courts, not the Secretary of the Interior, to decide if the Commandant's terms and conditions are unreasonable.

Further, we must remain open to the possibility that the Commandant may find that no amount of mitigation could be sufficient to eliminate the potential detrimental effects of the specific siting of this development. If the final determination of the Commandant is that the proposed siting is unacceptable, the Secretary must abide by that decision as well, and therefore fail to issue a permit, lease, easement, or right-of-way that would allow the facility to be constructed on the proposed site.

The arrangement dictated by section 414 of this bill has precedence in the procedure for granting hydroelectric licenses under the Federal Power Act. This process requires the Federal Energy Regulatory Commission to include in the terms and conditions of its licenses for hydroelectric licenses any conditions deemed necessary to protect the interests of other agencies. The United States Supreme Court determined that such conditions had to be ''reasonable'' and the reasonability of the conditions was a matter to be determined by the courts, not the Commission.

I support development of renewable sources of energy, but not at the expense of public safety or national security. The provisions included in section 414 of this bill ensure that the impacts of Cape Wind's potential development on the citizens of Massachusetts and the rest of the country will be evaluated fairly and appropriately by those who have the expertise to make a final determination on how best to mitigate any adverse effects. I urge my colleagues to act swiftly to pass the Coast Guard and Maritime Transportation Act of 2006.

Mr. WARNER. I further ask that when the Senate receives from the House a message that the House agrees to S. Con. Res. 103 and the conference report to accompany H.R. 889 is received from the House, the conference report be considered agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 12

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 4 p.m. on Monday, June 26, the Senate proceed to the consideration of Calendar No. 473, S.J. Res. 12, relating to the desecration of the flag for debate only during Monday's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 713, Nos. 716 through 734, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

To be lieutenant general

Maj. Gen. James N. Soligan, 8751

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S. C., section 624:

To be brigadier general

Col. Garbeth S. Graham, 5388

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Robert B. Bailey, 8474
Brigadier General William H. Etter, 7521
Brigadier General Douglas M. Pierce, 9562
Brigadier General Jose M. Portela, 4065
Brigadier General Donald J. Quenneville, 4967
Brigadier General David A. Sprenkle, 8992

To be brigadier general

Colonel Steven L. Adams, 9518
Colonel Robert L. Boggs, 8430
Colonel Peter A. Bonanni, 6859
Colonel Timothy J. Carroll, 4414
Colohel Timothy J. Cossalter, 0715
Colonel Michael L. Cunniff, 4997
Colonel James E. Daniel, Jr., 8973
Colonel John M. Del Toro, 5382
Colonel Gregory A. Fick, 0160
Colonel Steven J. Filo, 2097
Colonel Robert V. Fitch, 6866
Colonel William E. Hudson, 4783
Colonel Cora M. Jackson-Chandler, 5301
Colonel Richard W. Johnson, 7574
Colonel Gary T. Magonigle, 6681
Colonel Craig D. McCord, 0761
Colonel Kelly K. McKeague, 6016
Colonel Thomas R. Moore, 5457
Colonel John D. Owen, 4194
Colonel Deborah S. Rose, 7097
Colonel Gregory J. Schwab, 0577
Colonel Jonathan T. Treacy, 2942
Colonel Charles E. Tucker, Jr., 0285
Colonel Roy E. Uptegraff, III, 9155
Colonel Edwin A. Vincent, Jr., 7198
Colonel James C. Witham, 0100

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Timothy J. Wright, 9146

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert Wilson, 1235

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated Under title 10, U.S. C., section 12203:

To be major general

Brig. Gen. Raymond C. Byrne, Jr., 5792

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Edward H. Ballard, 0250
Brigadier General Michael W. Beaman, 0589
Brigder General Floyd E. Bell, Jr., 4755
Brigalder General Nelson J. Cannon, 2178
Brigadier General Craig N. Christensen, 3064
Brigadier General John T. Furlow, 1754
Brigadier General Frank J. Grass, 4493
Brigadier General Larry W. Haltom, 3555
Brigadier General Vern T. Miyagi, 2805
Brigadier General Herbert L. Newton, 4019
Brigadier General Lawrence H. Ross, 5226

To be brigadier general

Colonel Timothy E. Albertson, 1120
Colonel Mark E. Anderson, 1801
Colonel Stephen M. Bloomer, 0737
Colonel Maria L. Britt, 6771
Colonel James K. Brown, Jr., 4981
Colonel Paul E. Casinelli, 3353
Colonel Keith W. Corbett, 9576
Colonel Bret D. Daugherty, 7838
Colonel David M. DeArmond, 0169
Colonel Lawrence E. Dudney, Jr., 1872
Colonel Gregory B. Edwards, 8242
Colonel David J. Elicerio, 3002
Colonel Philip R. Fisher, 9702
Colonel Gary M. Hara, 0631
Colonel Russell S. Hargis, 2104
Colonel Charles A. Harvey, Jr., 4109
Colonel Carol A. Johnson, 1201
Colonel Joseph P. Kelly, 1566
Colonel Chris F. Maasdam, 9151
Colonel Michael C.H. McDaniel, 5186
Colonel Patrick A. Murphy, 0096
Colonel Mandi A. Murray, 7323
Colonel Michael R. Nevin, 0524
Colonel Manuel Ortiz, Jr., 6712
Colonel Terry L. Quarles, 8676
Colonel Michael G. Temme, 8231
Colonel Steven N. Wickstrom, 0393

IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. James N. Mattis, 7981

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

TO BE REAR ADMIRAL

Rear Adm. (lh) Elizabeth A. Hight, 7307

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Mark D. Harnitchek, 5185

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) John M. Bird, 4297
Rear Adm. (lh) John T. Blake, 9104
Rear Adm. (lh) Frank M. Drennan, 9259
Rear Adm. (lh) Mark E. Ferguson, III, 0136
Rear Adm. (lh) John W. Goodwin, 7120
Rear Adm. (lh) Richard W. Hunt, 0833
Rear Adm. (lh) Arthur J. Johnson, Jr., 1756
Rear Adm. (lh) Mark W. Kenny, 5645
Rear Adm. (lh) Joseph F. Kilkenny, 3925
Rear Adm. (lh) William E. Landay, III, 9427
Rear Adm. (lh) Douglas L. McClain, 4212
Rear Adm. (lh) William H. McRaven, 3730
Rear Adm. (lh) Kevin M. Quinn, 3457
Rear Adm. (lh) Raymond A. Spicer, 7586
Rear Adm. (lh) Peter J. Williams, 1065

The following named officer for promotion in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Sean F. Crean, 2112

The following named officer for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael W. Broadway, 4334

The following named officers for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Patrick E. McGrath, 4262
Capt. John G. Messerschmidt, 7746
Capt. Timothy D. Moon, 5084
Capt. Michael M. Shatynski, 1839

The following named officer for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Ann D. Gilbride, 3120

The following named officers for appointment in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Jon W. Bayless, Jr., 0539
Rear Adm. (lh) Edward Masso, 5959
Rear Adm. (lh) William H. Payne, 6466

The following named officer for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Sharon H. Redpath, 7170

The following named officer for promotion in the United States Navy Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Norton C. Joerg, 2309

The following named officer for appointment as the Judge Advocate General of the United States Navy in the grade indicated under title 10, U.S.C., section 12203:

To be judge advocate general of the United States Navy

Rear Adm. Bruce E. MacDonald, 9816

NOMINATIONS PLACE ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1392 AIR FORCE nominations (21) beginning CHRISTINE L. BLICEBAUM, and ending ABNER PERRY V. VALENZUELA, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2006.

PN1580 AIR FORCE nomination of Thomas L. Yoder, which was received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1647 AIR FORCE nomination of Leonard S. Williams, which was received by the Senate and appeared in the Congressional Record of June 5, 2006.

IN THE ARMY

PN1241 ARMY nominations (16) beginning BRUCE B. BREHM, and ending ROBERT W. * WINDOM, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1242 ARMY nominations (80) beginning BRUCE D. ADAMS, and ending LISA L. ZACHER, which nominations were received by the Senate and appeared in the Congressional Record of January 31, 2006.

PN1600 ARMY nominations (2) beginning PAUL ANTONIOU, and ending PETER J. VARJEEN, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1601 ARMY nominations (3) beginning RICHARD J. HAYES JR., and ending MICHAEL N. SELBY, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1603 ARMY nominations (20) beginning MANUEL * CASTILLO, and ending ANDREW J. * WARGO, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1604 ARMY nominations (172) beginning TODD S. * ALBRIGHT, and ending EYAKO K. * WURAPA, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1638 ARMY nomination of Roy D. Steed, which was received by the Senate and appeared in the Congressional Record of May 25, 2006.

PN1648 ARMY nominations (5) beginning VICTOR CATULLO, and ending PAUL BRISSON, which nominations were received by .Senate and appeared in the Congressional Record of June 5, 2006.

IN THE MARINE CORPS

PN1605 MARINE CORPS nomination of Brent A. Harrison, which was received by the Senate and appeared in the Congressional Record of May 23, 2006.

IN THE NAVY

PN1504 NAVY nomination of Lana D. Hampton, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1505 NAVY nomination of Keith E. Simpson, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1506 NAVY nomination of Norman W. Porter, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1507 NAVY nominations (2) beginning PATRICK M. LEARD, and ending KIRBY D. MILLER, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1508 NAVY nominations (3) beginning ALBERTO S. DELMAR, and ending SHELDON D. STUCHELL, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1509 NAVY nominations (4) beginning WAYNE A. ESTABROOKS, and ending MILTON W. WALSER JR., which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1510 NAVY nominations (5) beginning STEVEN M. BRIESE, and ending JEFFREY H. ROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1511 NAVY nominations (7) beginning CHRISTIAN A. BUHLMANN, and ending CHRISTOPHER E. ZECH, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1512 NAVY nominations (10) beginning BILLY R. ARNOLD, and ending PETER D. YARGER, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1513 NAVY nominations (13) beginning KIM A. ARRIVEE, and ending ROGER J. SING, which nominations were received, by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1514 NAVY nominations (22) beginning KAREN S. EMMEL, and ending ERIC C. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1515 NAVY nominations (28) beginning JOHN C. ABBOTT, and ending TERESA S. WHITING, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1516 NAVY nominations (232) beginning THOMAS L. ADAMS III, and ending MATTHEW A. ZIRKLE, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1567 NAVY nominations (4) beginning MICHAEL E. BELCHER, and ending DAVID J. RANDLE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1568 NAVY nominations (6) beginning SHAWN M. CALLAHAN, and ending KAREN J. VIGNERON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1569 NAVY nominations (9) beginning PATRICK G. BYRNE, and ending JOHN L. PAGONA JR., which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1570 NAVY nominations (10) beginning LOUIS M. BORNO III, and ending ERIC J. WATKISS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1571 NAVY nominations (10) beginning LEONARD M. ABBATIELLO, and ending JOHN B. STUBBS, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1572 NAVY nominations (11) beginning STEVEN J. ASHWORTH, and ending EUGENE P. POTENTE, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1573 NAVY nominations (24) beginning FRANK A. ARATA, and ending GEORGE M. SUTTON, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1574 NAVY nominations (233) beginning JOHN W. V. AILES, and ending GLENN W. ZEIDERS III, which nominations were received by the Senate and appeared in the Congressional Record of May 10, 2006.

PN1581 NAVY nominations (3) beginning CONRAD C. CHUN, and ending JOHN F. KIRBY, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1582 NAVY nominations (8) beginning MICHAEL D. ANGOVE, and ending DAVID J. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1583 NAVY nominations (11) beginning CRAIG L. EATON, and ending RICHARD E. VERBEKE, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2006.

PN1606 NAVY nomination of Michael H. Johnson, which was received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1607 NAVY nomination of Michael A. Hoffmann, which was received by the Senate

and appeared in the Congressional Record of May 23, 2006.

PN1608 NAVY nominations (4) beginning RICHARD M. BURKE JR., and ending PETER M. MURPHY, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1609 NAVY nominations (7) beginning FREDERICK C. DAVIS, and ending ELEANOR J. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1610 NAVY nomination of Claude R. Suggs, which was received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1611 NAVY nominations (2) beginning MATTHEW C. HELLMAN, and ending DEREK A. TAKARA, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1612 NAVY nominations (2) beginning ANGELA J. BAKER, and ending HAROLD S. ZALD, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1613 NAVY nominations (13) beginning LOUIS V. CARIELLO, and ending GREGORY J. ZIELINSKI, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1614 NAVY nominations (10) beginning GEORGE E. ADAMS, and ending ROBERT T. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1615 NAVY nominations (29) beginning ANTHONY P. BRAZAS, and ending FRANCIS K. VREDENBURGH JR., which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1616 NAVY nominations (34) beginning COLLETTE J. B. ARMBRUSTER, and ending SUSAN W. WOOLSEY, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1617 NAVY nominations (10) beginning GREGORY P. BELANGER, and ending BRIAN S. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1618 NAVY nominations (18) beginning DALE P. BARRETTE, and ending SILVA P. D. WESTERBECK, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1619 NAVY nominations (16) beginning JAMES A. BLUSTEIN, and ending JOSEPH C. K. YANG, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1620 NAVY nominations (34) beginning ROBERT A. ALONSO, and ending KRISTEN C. ZELLER, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1621 NAVY nominations (16) beginning VIRGINIA T. BRANTLEY, and ending MARON D. WYLIE, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1622 NAVY nominations (11) beginning DOUGLAS E. ALEXANDER, and ending JAMES H. SCHROEDER JR., which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1623 NAVY nominations (11) beginning PAUL I. BURMEISTER, and ending CLYDE C. REYNOLDS, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1624 NAVY nominations (26) beginning PHILIP P. ALFORD, and ending ROBERT L. YARRISH, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1625 NAVY nominations (38) beginning MICHAEL S. ARNOLD, and ending EVELYN M. WEBB, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1626 NAVY nominations (14) beginning GREGORY BRIDGES, and ending WILLIAM M. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1627 NAVY nominations (2424) beginning HONORATO AGUILA, and ending KIMBERLY A. ZUZELSKI, which nominations were received by the Senate and appeared in the Congressional Record of May 23, 2006.

PN1639 NAVY nominations (2) beginning LUZ V. ALICEA, and ending PETER B. DOBSON, which nominations were received by the Senate and appeared in the Congressional Record of May 25, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR FRIDAY, JUNE 23, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow, Friday, June 23. I further ask unanimous consent 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, today the Senate unanimously and overwhelmingly passed the Defense authorization bill. I take this opportunity to congratulate Chairman WARNER and Ranking Member LEVIN for the expeditious consideration of that bill.

We had a very important debate concerning two amendments related to the Iraq war. I thought the debate was very respectful and the Senate conducted itself in an extraordinarily exemplary way.

Mr. President, the Senate will be in tomorrow for a period of morning business.

On Monday, we will begin consideration of the anti-flag desecration resolution. We will announce the vote schedule for the beginning of next week during tomorrow's session.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Friday, June 23, 2006, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 22, 2006:

FEDERAL DEPOSIT INSURANCE CORPORATION

JON T. RYMER, OF TENNESSEE, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION.

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

ANDREW J. GUILFORD, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

FRANK D. WHITNEY, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

DEPARTMENT OF JUSTICE

THOMAS D. ANDERSON, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES N. SOLIGAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GARBETH S. GRAHAM

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT B. BAILEY
BRIGADIER GENERAL WILLIAM H. ETTER
BRIGADIER GENERAL DOUGLAS M. PIERCE
BRIGADIER GENERAL JOSE M. PORTELA
BRIGADIER GENERAL DONALD J. QUENNEVILLE
BRIGADIER GENERAL DAVID A. SPRENKLE

To be brigadier general

COLONEL STEVEN L. ADAMS
COLONEL ROBERT L. BOGGS
COLONEL PETER A. BONANNI
COLONEL TIMOTHY J. CARROLL
COLONEL TIMOTHY J. COSSALTER
COLONEL MICHAEL L. CUNNIFF
COLONEL JAMES E. DANIEL, JR.
COLONEL JOHN M. DEL TORO
COLONEL GREGORY A. FICK
COLONEL STEVEN J. FILO
COLONEL ROBERT V. FITCH
COLONEL WILLIAM E. HUDSON
COLONEL CORA M. JACKSON-CHANDLER
COLONEL RICHARD W. JOHNSON
COLONEL GARY T. MAGONIGLE
COLONEL CRAIG D. MCCORD
COLONEL KELLY K. MCKEAGUE
COLONEL THOMAS R. MOORE
COLONEL JOHN D. OWEN
COLONEL DEBORAH S. ROSE
COLONEL GREGORY J. SCHWAB
COLONEL JONATHAN T. TREACY
COLONEL CHARLES E. TUCKER, JR.
COLONEL ROY E. UPTEGRAFF III
COLONEL EDWIN A. VINCENT, JR.
COLONEL JAMES C. WITHAM

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. TIMOTHY J. WRIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT WILSON

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RAYMOND C. BYRNE, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGAIDER GENERAL EDWARD H. BALLARD
BRIGAIDER GENERAL MICHAEL W. BEAMAN
BRIGAIDER GENERAL FLOYD E. BELL, JR.
BRIGAIDER GENERAL NELSON J. CANNON
BRIGAIDER GENERAL CRAIG N. CHRISTENSEN
BRIGAIDER GENERAL JOHN T. FURLOW
BRIGAIDER GENERAL FRANK J. GRASS
BRIGAIDER GENERAL LARRY W. HALTOM
BRIGAIDER GENERAL VERN T. MIYAGI
BRIGAIDER GENERAL HERBERT L. NEWTON
BRIGAIDER GENERAL LAWRENCE H. ROSS

To be brigadier general

COLONEL TIMOTHY E. ALBERTSON
COLONEL MARK E. ANDERSON
COLONEL STEPHEN M. BLOOMER
COLONEL MARIA L. BRITT
COLONEL JAMES K. BROWN, JR.
COLONEL PAUL E. CASINELLI
COLONEL KEITH W. CORBETT
COLONEL BRET D. DAUGHERTY
COLONEL DAVID M. DEARMOND
COLONEL LAWRENCE E. DUDNEY, JR.
COLONEL GREGORY B. EDWARDS
COLONEL DAVID J. ELICERIO
COLONEL PHILIP R. FISHER
COLONEL GARY M. HARA
COLONEL RUSSELL S. HARGIS
COLONEL CHARLES A. HARVEY, JR.
COLONEL CAROL A. JOHNSON
COLONEL JOSEPH P. KELLY
COLONEL CHRIS F. MAASDAM
COLONEL MICHAEL C.H. MCDANIEL
COLONEL PATRICK A. MURPHY
COLONEL MANDI A. MURRAY
COLONEL MICHAEL R. NEVIN
COLONEL MANUEL ORTIZ, JR.
COLONEL TERRY L. QUARLES
COLONEL MICHAEL G. TEMME
COLONEL STEVEN N. WICKSTROM

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES N. MATTIS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) ELIZABETH A. HIGHT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MARK D. HARNITCHEK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JOHN M. BIRD
REAR ADM. (LH) JOHN T. BLAKE
REAR ADM. (LH) FRANK M. DRENNAN
REAR ADM. (LH) MARK E. FERGUSON III
REAR ADM. (LH) JOHN W. GOODWIN
REAR ADM. (LH) RICHARD W. HUNT
REAR ADM. (LH) ARTHUR J. JOHNSON, JR.
REAR ADM. (LH) MARK W. KENNY
REAR ADM. (LH) JOSEPH F. KILKENNY
REAR ADM. (LH) WILLIAM E. LANDAY III
REAR ADM. (LH) DOUGLAS L. MCCLAIN
REAR ADM. (LH) WILLIAM H. MCRAVEN
REAR ADM. (LH) KEVIN M. QUINN
REAR ADM. (LH) RAYMOND A. SPICER
REAR ADM. (LH) PETER J. WILLIAMS

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. SEAN F. CREAN

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MICHAEL W. BROADWAY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. PATRICK E. MCGRATH
CAPT. JOHN G. MESSERSCHMIDT
CAPT. TIMOTHY D. MOON
CAPT. MICHAEL M. SHATYNSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) ANN D. GILBRIDE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JON W. BAYLESS, JR.
REAR ADM. (LH) EDWARD MASSO
REAR ADM. (LH) WILLIAM H. PAYNE

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) SHARON H. REDPATH

THE FOLLOWING NAMED OFFICER FOR PROMOTION IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) NORTON C. JOERG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be judge advocate general of the United States Navy

REAR ADM. BRUCE E. MACDONALD

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH CHRISTINE L. BLICEBAUM AND ENDING WITH ABNER PERRY V. VALENZUELA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2006.

AIR FORCE NOMINATION OF THOMAS L. YODER TO BE COLONEL.

AIR FORCE NOMINATION OF LEONARD S. WILLIAMS TO BE LIEUTENANT COLONEL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH BRUCE B. BREHM AND ENDING WITH ROBERT W. WINDOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

ARMY NOMINATIONS BEGINNING WITH BRUCE D. ADAMS AND ENDING WITH LISA L. ZACHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 31, 2006.

ARMY NOMINATIONS BEGINNING WITH PAUL ANTONIOU AND ENDING WITH PETER J. VARJEEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATIONS BEGINNING WITH RICHARD J. HAYES, JR. AND ENDING WITH MICHAEL N. SELBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATIONS BEGINNING WITH MANUEL CASTILLO AND ENDING WITH ANDREW J. WARGO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATIONS BEGINNING WITH TODD S. ALBRIGHT AND ENDING WITH EYAKO K. WURAPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

ARMY NOMINATION OF ROY D. STEED TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH VICTOR CATULLO AND ENDING WITH PAUL BRISSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 5, 2006.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRENT A. HARRISON TO BE LIEUTENANT COLONEL.

IN THE NAVY

NAVY NOMINATION OF LANA D. HAMPTON TO BE CAPTAIN.

NAVY NOMINATION OF KEITH E. SIMPSON TO BE CAPTAIN.

NAVY NOMINATION OF NORMAN W. PORTER TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH PATRICK M. LEARD AND ENDING WITH KIRBY D. MILLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH ALBERTO S. DELMAR AND ENDING WITH SHELDON D. STUCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH WAYNE A. ESTABROOKS AND ENDING WITH MILTON W. WALSER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH STEVEN M. BRIESE AND ENDING WITH JEFFREY H. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH CHRISTIAN A. BUHLMANN AND ENDING WITH CHRISTOPHER E. ZECH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH BILLY R. ARNOLD AND ENDING WITH PETER D. YARGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH KIM A. ARRIVEE AND ENDING WITH ROGER J. SING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH KAREN S. EMMEL AND ENDING WITH ERIC C. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH JOHN C. ABBOTT AND ENDING WITH TERESA S. WHITING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH THOMAS L. ADAMS III AND ENDING WITH MATTHEW A. ZIRKLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL E. BELCHER AND ENDING WITH DAVID J. RANDLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH SHAWN M. CALLAHAN AND ENDING WITH KAREN J. VIGNERON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH PATRICK G. BYRNE AND ENDING WITH JOHN L. PAGONA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH LOUIS M. BORNO III AND ENDING WITH ERIC J. WATKISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH LEONARD M. ABBATIELLO AND ENDING WITH JOHN B. STUBBS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH STEVEN J. ASHWORTH AND ENDING WITH EUGENE P. POTENTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH FRANK A. ARATA AND ENDING WITH GEORGE M. SUTTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH JOHN W. V. AILES AND ENDING WITH GLENN W. ZEIDERS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 10, 2006.

NAVY NOMINATIONS BEGINNING WITH CONRAD C. CHUN AND ENDING WITH JOHN F. KIRBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL D. ANGOVE AND ENDING WITH DAVID J. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2006.

NAVY NOMINATIONS BEGINNING WITH CRAIG L. EATON AND ENDING WITH RICHARD E. VERBEKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2006.

NAVY NOMINATION OF MICHAEL H. JOHNSON TO BE CAPTAIN.

NAVY NOMINATION OF MICHAEL A. HOFFMANN TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RICHARD M. BURKE, JR. AND ENDING WITH PETER M. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH FREDERICK C. DAVIS AND ENDING WITH ELEANOR J. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATION OF CLAUDE R. SUGGS TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH MATTHEW C. HELLMAN AND ENDING WITH DEREK A. TAKARA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH ANGELA J. BAKER AND ENDING WITH HAROLD S. ZALD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH LOUIS V. CARIELLO AND ENDING WITH GREGORY J. ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH GEORGE E. ADAMS AND ENDING WITH ROBERT T. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH ANTHONY P. BRAZAS AND ENDING WITH FRANCIS K. VREDENBURGH,

JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH COLLETTE J. B. ARMBRUSTER AND ENDING WITH SUSAN W. WOOLSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH GREGORY P. BELANGER AND ENDING WITH BRIAN S. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH DALE P. BARRETTE AND ENDING WITH SILVA P. D. WESTERBECK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH JAMES A. BLUSTEIN AND ENDING WITH JOSEPH C. K. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH ROBERT A. ALONSO AND ENDING WITH KRISTEN C. ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH VIRGINIA T. BRANTLEY AND ENDING WITH MARON D. WYLIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH DOUGLAS E. ALEXANDER AND ENDING WITH JAMES H. SCHROEDER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH PAUL I. BURMEISTER AND ENDING WITH CLYDE C. REYNOLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH PHILIP P. ALFORD AND ENDING WITH ROBERT L. YARRISH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH MICHAEL S. ARNOLD AND ENDING WITH EVELYN M. WEBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH GREGORY BRIDGES AND ENDING WITH WILLIAM M. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH HONORATO AGUILA AND ENDING WITH KIMBERLY A. ZUZELSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NAVY NOMINATIONS BEGINNING WITH LUZ V. ALICEA AND ENDING WITH PETER B. DOBSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 25, 2006.

Daily Digest

HIGHLIGHTS:

Senate passed the National Defense Authorization Act.

The House passed H.R. 5638—Permanent Estate Tax Relief Act of 2006.

Senate

Chamber Action

Routine Proceedings, pages S6323–S6444

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 3556–3560 and S. Con. Res. 103–104. **Page S6419**

Measures Reported:

Special Report entitled ''Allocation to Subcommittees of Budget Totals for Fiscal Year 2007''. (S. Rept. No. 109–268)

H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute. (S. Rept. No. 109–266)

H.R. 5521, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute. (S. Rept. No. 109–267)

H.R. 2977, to designate the facility of the United States Postal Service located at 306 2nd Avenue in Brockway, Montana, as the ''Paul Kasten Post Office Building''.

H.R. 3440, to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the ''Dr. Jose Celso Barbosa Post Office Building''.

H.R. 3549, to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the ''William F. Clinger, Jr. Post Office Building''.

H.R. 3934, to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''.

H.R. 4108, to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the ''State Senator Verda Welcome and Dr. Henry Welcome Post Office Building''.

H.R. 4456, to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the ''Hattie W. Caraway Station''.

H.R. 4561, to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the ''Francisco 'Pancho' Medrano Post Office Building''.

H.R. 4688, to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office''.

H.R. 4786, to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the ''H. Gordon Payrow Post Office Building''.

H.R. 4995, to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the ''Ronald Bucca Post Office''.

H.R. 5245, to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building''.

S. 2228, to designate the facility of the United States Postal Service located at 2404 Race Street, Jonesboro, Arkansas, as the ''Hattie W. Caraway Post Office''.

S. 2376, to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''.

S. 2690, 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''.

S. 2722, to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building''.

S. 3187, to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office.". **Page S6419**

Measures Passed:

Enrollment Correction: Senate agreed to S. Con. Res. 103, to correct the enrollment of the bill H.R. 889. **Page S6439**

Subsequently, a unanimous-consent agreement was reached providing that when the Senate receives from the House a message that the House agrees to S. Con. Res. 103, and the conference report to accompany H.R. 889 is received from the House, the conference report be considered agreed to. **Page S6439**

National Defense Authorization: By a unanimous vote of 96 yeas (Vote No. 186), Senate passed 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, after taking action on the following amendments proposed thereto: **Pages S6324–S6401**

Adopted:

Hutchison Amendment No. 4377, to include a delineation of the homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review. **Page S6336**

Warner/Levin Amendment No. 4492, to clarify the contracting authority for the chemical demilitarization program. **Page S6346**

Warner Amendment No. 4493, to extend the authority for the personnel program for scientific and technical personnel. **Page S6346**

Warner (for Burns/Dole) Amendment No. 4494, to encourage the use of electronic voting technology and to provide for the continuation of the Interim Voting Assistance System. **Pages S6346–47, S6359–60**

Levin (for Harkin) Modified Amendment No. 4266, to require semiannual reports on efforts by the Department of Justice to investigate and prosecute cases of waste, fraud, and abuse related to Federal contracting in Iraq, Afghanistan, and throughout the war on terror. **Pages S6346, S6347**

Warner (for Inhofe) Amendment No. 4495, to require annual reports on United States contributions to the United Nations. **Pages S6346, S6347**

Levin (for Reid) Modified Amendment No. 4307, relating to North Korea. **Pages S6346, S6347–48**

Warner (for Lott) Modified Amendment No. 4326, to make funds available for the Arrow ballistic missile defense system. **Pages S6346, S6348**

Levin (for Obama) Amendment No. 4224, to include assessments of Traumatic Brain Injury in the post-deployment health assessments of members of the Armed Forces returning from deployment in support of a contingency operation.

Pages S6346, S6348

Warner (for Cornyn/Hutchison) Amendment No. 4496, to require a report on biodefense staffing and training requirements in support of the national biosafety laboratories. **Pages S6346, S6348**

Levin (for Schumer) Modified Amendment No. 4309, to provide that, of the funds authorized under Title XIV, $20,000,000 may be made available for the procurement of hemostatic agents, including blood-clotting bandages, for use by members of the Armed Forces in the field. **Pages S6346, S6348**

Warner (for Ensign) Amendment No. 4345, to specify the qualifications required for instructors in the Junior Reserve Officers' Training Corps Program.

Pages S6346, S6348–49

Levin (for Nelson (FL)/Martinez) Amendment No. 4368, relating to Operation Bahamas, Turks & Caicos. **Pages S6346, S6349**

Warner (for Allard) Amendment No. 4497, to provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

Pages S6346, S6349

Levin (for Bingaman) Amendment No. 4222, to require consideration of the utilization of fuel cells as back-up power systems in Department of Defense operations. **Pages S6346, S6349**

Warner (for Allen) Amendment No. 4498, to authorize an accession bonus for members of the Armed Forces who are appointed as a commissioned officer after completing officer candidate school.

Pages S6346, S6349–50

Warner Amendment No. 4499, to authorize the National Security Agency to collect service charges for the certification or validation of information assurance products. **Pages S6346, S6350**

Levin (for Cantwell) Modified Amendment No. 4202, to require reports on the withdrawal or diversion of equipment from reserve units for support of reserve units being mobilized and other units.

Pages S6346, S6350

Warner (for Martinez) Amendment No. 4500, to provide for the procurement of replacement equipment. **Pages S6346, S6350**

Levin (for Menendez/Lautenberg) Amendment No. 4441, to require a plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom. **Pages S6346, S6350**

Warner (for DeWine) Modified Amendment No. 4231, relating to the Mental Health Self-Assessment Program of the Department of Defense.

Pages S6346, S6350–51

Levin (for Obama) Amendment No. 4409, to require a report on the provision of an electronic copy of military records to members of the Armed Forces upon their discharge or release from the Armed Forces. **Pages S6346, S6351**

Warner/Levin Amendment No. 4501, to require a report on vehicle-based active protection systems for certain battlefield threats. **Pages S6346, S6351**

Levin (for Feingold) Amendment No. 4502, to require an annual report on the amount of the acquisitions made by the Department of Defense of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States. **Pages S6346, S6351**

Warner (for McCain) Amendment No. 4503, to require an annual report on foreign military sales and direct sales to foreign customers of significant military equipment manufactured inside the United States. **Pages S6346, S6351**

Warner (for Graham/Nelson (NE)) Amendment No. 4504, to expand and enhance the authority of the Secretaries of the military departments to remit or cancel indebtedness of members of the Armed Forces. **Pages S6346, S6351–52**

Warner (for Graham/Nelson (NE)) Amendment No. 4505, to provide an exception for notice to consumer reporting agencies regarding debts or erroneous payments for which a decision to waive or cancel is pending. **Pages S6346, S6352**

Warner (for Graham/Nelson (NE)) Amendment No. 4506, to enhance authority relating to the waiver of claims for overpayment of pay and allowances of members of the Armed Forces. **Pages S6346, S6352**

Warner (for Talent/Nelson (FL)) Amendment No. 4331, to establish requirements with respect to the terms of consumer credit extended by a creditor to a servicemember or the dependent of a servicemember. **Pages S6346, S6352–53**

Levin (for Boxer) Amendment No. 4507, to require the President to conduct a review of circumstances establishing eligibility for the Purple Heart for former prisoners of war dying in or due to captivity and to report to the Congress on the advisability of modifying the criteria for award of the Purple Heart. **Pages S6346, S6353**

Warner Amendment No. 4508, to modify the qualifications for leadership of the Naval Postgraduate School. **Pages S6346, S6353**

Warner (for Jeffords) Amendment No. 4509, to provide that the Secretary of the Army shall not be considered an owner or operator for purposes of environmental liability in connection with the construction of any portion of the Fairfax County Parkway off the Engineer Proving Ground, Fort Belvoir, Virginia, that is not owned by the Federal Government. **Pages S6346, S6353**

Warner (for Graham) Amendment No. 4510, to increase the number of options periods authorized for extension of current contracts under the TRICARE program. **Pages S6346, S6353**

Levin (for Salazar) Amendment No. 4219, to rename the death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation. **Pages S6346, S6353–54**

Warner (for Allard) Amendment No. 4386, to require a joint family support assistance program for families of members of the Armed Forces. **Pages S6346, S6354**

Warner Amendment No. 4511, to clarify the repeal of the requirement of reduction of Survivor Benefit Plan annuities by dependency and indemnity compensation. **Pages S6346, S6354**

Levin (for Reid) Amendment No. 4197, to modify the effect date of the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for veterans with service-connected disabilities rated as total by virtue of unemployability. **Pages S6346, S6354**

Warner Amendment No. 4512, to modify certain additional authorities for purposes of the targeted shaping of the Armed Forces. **Pages S6346, S6354–55**

Warner Amendment No. 4513, to provide for the determination of the retired pay base or retain pay base of a general or flag officer based on actual rates of basic pay rather than on amounts payable under the ceiling on the basic pay of such officers. **Pages S6346, S6355**

Warner Amendment No. 4514, to provide in the calculation of retired pay for members of the Armed Forces that service in excess of 30 years shall not be subject to the maximum limit on the percentage of the retired pay multiplier. **Pages S6346, S6355**

Warner (for DeWine) Amendment No. 4515, to modify the commencement date of eligibility for an optional annuity for dependents under the Survivor Benefit Plan. **Pages S6346, S6355**

Levin (for Lincoln) Amendment No. 4342, to modify the time limitation for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations. **Pages S6346, S6355**

Warner (for Chambliss) Amendment No. 4365, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods and to expand eligibility of members of the Selected Reserve for coverage under the TRICARE program. **Pages S6346, S6355–56, S6373–75**

McCain Amendment No. 4241, to name the Act after John Warner, a Senator from Virginia. **Pages S6346, S6356**

Levin (for Salazar) Modified Amendment No. 4220, to require a report on the High Altitude Aviation Training Site in Eagle County, Colorado.
Pages S6346, S6356

Warner (for Coburn) Amendment No. 4371, to improve the provisions relating to the linking of award and incentive fees to acquisition outcomes.
Pages S6346, S6356

Levin (for Biden) Amendment No. 4244, relating to military vaccination matters. **Pages S6346, S6356–57**

Warner Amendment No. 4516, to ensure the timely completion of the equity finalization process for Naval Petroleum Reserve Numbered 1.
Pages S6346, S6357

Levin (for Boxer) Amendment No. 4466, to improve mental health screening and services for members of the Armed Forces. **Pages S6346, S6357**

Warner Amendment No. 4517, to make funds available for the Our Military Kids youth support program. **Pages S6346, S6357–58**

Levin (for Landrieu) Modified Amendment No. 4363, to make available from Operation and Maintenance, Marine Corps Reserve, $2,500,000 for Infantry Combat Equipment. **Pages S6346, S6358**

Warner (for Domenici/Bingaman) Modified Amendment No. 4450, to provide, with an offset, an additional $5,000,000 for Research, Development, Test, and Evaluation, Army, for High Energy Laser-Low Aspect Target Tracking. **Pages S6346, S6358**

Levin (for Landrieu) Modified Amendment No. 4362, to make available from Operation and Maintenance, Marine Corps Reserve, $1,500,000 for the Individual First Aid Kit. **Pages S6346, S6358**

Warner (for Santorum) Modified Amendment No. 4275, to provide, with an offset, an additional $2,000,000 for Research, Development, Test, and Evaluation, Air Force, for the Advanced Aluminum Aerostructures Initiative. **Pages S6346, S6358**

Levin (for Akaka) Modified Amendment No. 4475, to increase by $4,000,000 the amount authorized to be appropriated for research, development, test, and evaluation for the Navy for the development, validation, and demonstration of warfighter rapid awareness processing technology for distributed operations within the Marine Corps Landing Force Technology program, and to provide an offset.
Pages S6346, S6358

Warner (for Santorum) Modified Amendment No. 4276, to provide, with an offset, an additional $1,000,000 for Research, Development, Test, and Evaluation, Army, for legged mobility robotic research. **Pages S6346, S6358**

Levin (for Reed) Modified Amendment No. 4469, to provide, with an offset, additional amounts for Research, Development, Test, and Evaluation, Air Force, for funding for Wideband Digital Airborne Electronic Sensing Array. **Pages S6346, S6358**

Levin (for Kennedy) Modified Amendment No. 4477, to make available, with an offset, an additional $45,000,000 for research, development, test, and evaluation for science and technology.
Pages S6346, S6358

Warner Amendment No. 4518, to make available funds for the reading for the Blind and Dyslexic program of the Department of Defense.
Pages S6346, S6358–59

Warner (for DeWine/Voinovich) Amendment No. 4214, to make a technical correction to a project for Rickenbacker Airport, Columbus, Ohio.
Pages S6346, S6359

Levin Amendment No. 4519, to make technical corrections to high priority project and transportation improvement project in the State of Michigan.
Pages S6346, S6359

Coburn Modified Amendment No. 4491, to reform the Department of Defense's Travel System into Pay-For-Use-of-Service System.
Pages S6370–73, S6376

Coburn Amendment No. 4370, to require notice to Congress and the public on earmarks of funds available to the Department of Defense.
Pages S6374, S6376

By 70 yeas to 28 nays (Vote No. 184), Chambliss Amendment No. 4261, to authorize multiyear procurement of F–22A fighter aircraft and F–119 engines. **Pages S6336–45, S6376–77**

By a unanimous vote of 98 yeas (Vote No. 185), Sessions Modified Amendment No. 4471, to provide, with an offset, additional funding for missile defense testing and operations.
Pages S6366–70, S6375, S6377

Warner Amendment No. 4520, relating to the Minuteman III Intercontinental Ballistic Missile.
Pages S6377–78

Levin (for Cantwell) Amendment No. 4374, to provide for a study of the health effects of exposure to depleted uranium. **Pages S6377–78**

Warner Amendment No. 4521, to provide, with an offset, $10,000,000 for the Joint Advertising, Market Research and Studies program. **Pages S6377,78**

Levin (for Boxer) Amendment No. 4522, to require a report on security measures to ensure that data contained in the Joint Advertising, Market Research and Studies (JAMRS) program is maintained and protected. **Pages S6377–78**

Warner Amendment No. 4523, to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers. **Pages S6377–78**

Levin (for Biden) Amendment No. 4458, to ensure payment of United States assessments for

United Nations peacekeeping operations in 2005, 2006, and 2007. **Pages S6677–78**

Warner (for Cochran/Lott) Amendment No. 4524, to provide for Military Deputies to the Assistant Secretaries of the military departments for acquisition, logistics, and technology matters.

Pages S6377, S6378–79

Levin (for Clinton) Amendment No. 4264, enhance the services available to members of the Armed Forces returning from deployment in Operation Iraqi Freedom and Operation Enduring Freedom to assist such members, and their family members, in transitioning to civilian life.

Pages S6377, S6379–81

Warner (for Snowe/Kerry) Amendment No. 4464, to provide a sunset date for the Small Business Competitive Demonstration Program. **Pages S6377, S6381**

Levin (for Bayh) Amendment No. 4489, to propose an alternative to section 1083 to improve the Quadrennial Defense Review. **Pages S6377, S6381–82**

Warner (for Allard/Salazar) Amendment No. 4525, to require a report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.

Pages S6377, S6382

Levin (for Feingold) Amendment No. 4526, to require the President to develop a comprehensive strategy toward Somalia. **Pages S6377, S6382**

Warner (for Lott) Modified Amendment No. 4327, to improve the management of the Armed Forces Retirement Home. **Pages S6377, S6382–83**

Levin (for Feingold) Amendment No. 4527, to require a report on the feasibility of establishing a United States military regional combatant command for Africa. **Pages S6377, S6383**

Warner (for McCain/Warner) Amendment No. 4434, to ensure proper education, training, and supervision of personnel providing special education services for dependents of members of the Armed Forces under extended benefits under TRICARE.

Pages S6377, S6383

Levin (for Akaka) Modified Amendment No. 4393, to transfer custody of the Air Force Health Study assets to the Medical Follow-up Agency.

Pages S6377, S6383

Warner (for Allen) Amendment No. 4312, to expand and enhance the bonus to encourage members of the Army to refer other persons for enlistment in the Army. **Pages S6377, S6383–84**

Levin (for Biden) Amendment No. 4424, to modify certain requirements related to counterdrug activities. **Pages S6377, S6384, S6391**

Warner (for Chafee) Amendment No. 4416, to direct the Secretary of the Army to assume responsibility for the annual operation and maintenance of the Fox Point Hurricane Barrier, Providence, Rhode Island. **Pages S6377, S6384**

Levin (for Durbin) Modified Amendment No. 4364, to rename the Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of Representative Lane Evans. **Pages S6377, S6384, S6391**

Warner (for DeWine) Amendment No. 4232, to name the new administration building at the Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives. **Pages S6377, S6384**

Warner (for Allard) Amendment No. 4528, to name a military family housing facility at Fort Carson, Colorado, after Representative Joel Hefley.

Pages S6377, S6384

Warner/Levin Amendment No. 4529, to require the submittal to Congress of the Department of Defense Supplemental and Cost of War Execution reports. **Pages S6377, S6384**

Levin (for Reed) Amendment No. 4311, to provide that acceptance by a military officer of appointment to the position of Director of National Intelligence or Director of the Center Intelligence Agency shall be conditional upon retirement of the officer after the assignment. **Pages S6377, S6384**

Warner (for Chambliss/Isakson) Amendment No. 4228, relating to the comprehensive review of the procedures of the Department of Defense on mortuary affairs. **Pages S6377, S6384–85**

Levin (for Reid) Modified Amendment No. 4439, to require reports on the implementation of the Darfur Peace Agreement. **Pages S6377, S6385**

Warner (for Talent) Amendment No. 4530, to extend the patent term for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion.

Pages S6377, S6385

Levin (for Reid) Amendment No. 4337, relating to intelligence on Iran. **Pages S6377, S6385–86**

Warner Amendment No. 4531, to make available $2,900,000 from Operation and Maintenance, Army, for the Virginia Military Institute for military training infrastructure improvements. **Pages S6377, S6386**

Levin (for Lincoln/Pryor) Amendment No. 4411, to authorize $3,600,000 for military construction for the Air National Guard of the United States to construct an engine inspection and maintenance facility at Little Rock Air Force Base, Arkansas.

Pages S6377, S6386

Warner (for Hutchison) Amendment No. 4336, to require a report on the feasibility of omitting Social Security numbers from military identification cards.

Pages S6377, S6386, S6391

Levin (for Clinton) Amendment No. 4361, to require that Congress be apprised periodically on the implementation of the Darfur Peace Agreement. **Pages S6377, S6386**

Warner (for Chambliss) Amendment No. 4532, to require a report on the use of alternative fuels by the Department of Defense. **Pages S6377, S6386**

Levin Amendment No. 4533, to make available an additional $450,000,000 for Research, Development, Test, and Evaluation, Defense-wide and provide an offsetting reduction for a certain military intelligence program. **Pages S6377, S6386**

Warner (for Vitter) Amendment No. 4534, to authorize the prepositioning of Department of Defense assets to improve support to civilian authorities. **Pages S6377, S6386**

Levin (for Pryor/Bingaman) Amendment No. 4535, to provide for energy efficiency in new construction. **Pages S6377, S6386–87**

Warner (for Chambliss) Modified Amendment No. 4381, to facilitate the transition from military schools to civilian schools of dependents of members of the Armed Forces. **Pages S6377, S6387**

Warner (for Chafee) Amendment No. 4429, to authorize the donation of the SS Arthur M. Huddell to the Government of Greece. **Pages S6377, S6387**

Levin (for Kennedy) Modified Amendment No. 4398, to require a report on the biometrics programs of the Department of Defense. **Pages S6377, S6387, S6391**

Warner (for Domenici) Modified Amendment No. 4451, to require annual reports on the expanded use of unmanned aerial vehicles in the national airspace system. **Pages S6377, S6387**

Warner (for Burns) Amendment No. 4536, to require a report on the incorporation of elements of the reserve components into the Special Forces in the expansion of the Special Forces. **Pages S6377, S6387**

Warner (for Cornyn) Amendment No. 4537, to express the sense of the Senate on the Transformational Medical Technology Initiative of the Department of Defense. **Pages S6377, S6387–88**

Warner (for Burns/Dole) Amendment No. 4538, to provide for the enhancement of funeral ceremonies for veterans. **Pages S6377, S6388**

Warner (for Chambliss) Amendment No. 4303, to provide for the recovery and availability to the Corporation for the Promotion of Rifle Practice and Firearms Safety of certain firearms, ammunition, and parts. **Pages S6377, S6388**

Warner Amendment No. 4539, to provide that the Secretary of the Army may authorize family members of a member of the Armed Forces on active duty who is occupying military family housing units leased under the exception provided for United States Southern Command personnel to remain in such units while the soldier is assigned to a family-member-restricted area. **Pages S6377, S6388**

Levin (for Biden) Amendment No. 4423, to limit the availability of funds for certain purposes relating to Iraq. **Pages S6377, S6388**

Warner (for Gregg) Amendment No. 4316, to provide for the conveyance of land located in Hopkinton, New Hampshire. **Pages S6377, S6388–89**

Levin (for Dorgan/Conrad) Amendment No. 4407, to authorize $1,000,000 for the phase 1 construction of an air traffic control complex at Minot Air Force Base, North Dakota, and to provide an offset. **Pages S6377, S6389**

Warner (for Allard) Amendment No. 4366, to provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space. **Pages S6377, S6389**

Warner (for Coleman) Amendment No. 4321, to exclude Minnesota's Northstar Corridor Commuter Rail project from the Federal Transit Administration's medium cost-effectiveness rating requirement for Federal funding. **Pages S6377, S6389**

Levin (for Reed) Amendment No. 4540, to provide for the availability of funds authorized to the South County Commuter Rail project, Providence, Rhode Island. **Pages S6377, S6389**

Warner (for Domenici/Bingaman) Amendment No. 4449, to require the Secretary of the Air Force to prepare an environmental impact statement or similar analysis for the beddown of F– 22A fighter aircraft at Holloman Air Force Base, New Mexico, as replacements for retiring F–117A fighter aircraft. **Pages S6377, S6389**

Levin (for Kerry) Modified Amendment No. 4204, to promote a comprehensive political agreement in Iraq. **Pages S6377, S6389**

Levin (for Obama) Amendment No. 4541, to require a report on planning by the Department of the Air Force for the realignment of aircraft, weapons systems, and functions at active and Air National Guard bases as a result of the 2005 round of defense base closure and realignment. **Pages S6377, S6390**

Rejected:

By 13 yeas to 86 nays (Vote No. 181), Kerry Amendment No. 4442, to require the redeployment of United States Armed Forces from Iraq in order to further a political solution in Iraq, encourage the people of Iraq to provide for their own security, and achieve victory in the war on terror. **Pages S6324–35**

By 39 yeas to 60 nays (Vote No. 182), Levin Amendment No. 4320, to state the sense of Congress on the United States policy on Iraq. **Pages S6324, S6335**

During consideration of this measure today, Senate also took the following action:

By 98 yeas to 1 nay (Vote No. 183), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. **Page S6335**

Department of Defense Authorization: Senate passed S. 2767, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 2766, National Defense Authorization, as passed. **Page S6404**

Military Construction Authorization: Senate passed S. 2768, to authorize appropriations for fiscal year 2007 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 2766, National Defense Authorization, as passed. **Page S6404**

Department of Energy Defense Activities Authorization: Senate passed S. 2769, to authorize appropriations for fiscal year 2007 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 2766, National Defense Authorization, as passed. **Pages S6404–05**

National Defense Authorization: Senate passed H.R. 5122, 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 military personnel strengths for such fiscal year, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2766, Senate companion measure, as passed. **Page S6405**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Warner, McCain, Inhofe, Roberts, Sessions, Collins, Ensign, Talent, Chambliss, Graham, Dole, Cornyn, Thune, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson (FL), Nelson (NE), Dayton, Bayh, and Clinton. **Page S6405**

A unanimous-consent agreement was reached providing that with respect to S. 2767, S. 2768, and S. 2769 (all listed above), that if the Senate receives the message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference as appropriate with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees. **Page S6404**

Flag Protection Resolution—Agreement: A unanimous-consent agreement was reached providing for consideration of S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States, at 4 p.m., on Monday, June 26, 2006, for debate only. **Page S6440**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the report of the continuation of the national emergency with respect to the Western Balkans; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–52) **Page S6417**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 93 yeas (Vote No. Ex. 187), Andrew J. Guilford, of California, to be United States District Judge for the Central District of California. **Page S6442**

Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation. **Page S6442**

Frank D. Whitney, of North Carolina, to be United States District Judge for the Western District of North Carolina. **Page S6442**

Thomas D. Anderson, of Vermont, to be United States Attorney for the District of Vermont for the term of four years. **Page S6442**

34 Air Force nominations in the rank of general.

41 Army nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

30 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S6442–44**

Messages From the House: **Page S6417**

Measures Referred: **Page S6417**

Executive Communications: **Pages S6417–19**

Executive Reports of Committees: **Page S6419**

Additional Cosponsors: **Pages S6419–22**

Statements on Introduced Bills/Resolutions: **Pages S6422–23**

Additional Statements: **Pages S6412–17**

Amendments Submitted: **Pages S6423–37**

Notices of Hearings/Meetings: **Page S6437**

Authorities for Committees to Meet: **Pages S6437–39**

Privileges of the Floor: **Page S6439**

Record Votes: Seven record votes were taken today. (Total—187) **Page S6335, S6376, S6377, S6401, 6402**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:37 p.m., until 11 a.m., on Friday, June 23, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6442.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DISTRICT OF COLUMBIA

Committee on Appropriations: Subcommittee on the District of Columbia concluded a hearing to examine proposed budget estimates for the government of the District of Columbia for fiscal year 2007, after receiving testimony from Mayor Anthony A. Williams, Linda W. Cropp, Chairman, Council, Natwar M. Gandhi, Chief Financial Officer, and Clifford B. Janey, Superintendent, Public Schools, all of the District of Columbia.

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following bills:

H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute; and

H.R. 5521, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, with an amendment in the nature of a substitute.

Also, Committee adopted the 302(b) subcommittee allocations of budget outlays and new budget authority for fiscal year 2007.

IRAN AND LIBYA SANCTIONS ACT REAUTHORIZATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the policy of the United States toward Iran, focusing on S. 2657, to extend the Iran and Libya Sanctions Act of 1996, after receiving testimony from R. Nicholas Burns, Under Secretary of State for Political Affairs; and Patrick O'Brien, Assistant Secretary of the Treasury, Office of Terrorist Financing and Financial Crimes.

TRAVEL AND TOURISM INDUSTRY

Committee on Commerce, Science, and Transportation: Subcommittee on Trade, Tourism, and Economic Development concluded a hearing to examine the state of the U.S. tourism industry, including challenges from the impact of 9/11, international pandemics such as SARS, and the continuing economic uncertainty of the airline industry, after receiving testimony from Franklin L. Lavin, Under Secretary of Commerce for International Trade; Wanda L. Nesbitt, Assistant Secretary of State for Consular Affairs; Robert M. Jacksta, Executive Director, Traveler Security and Facilitation, Office of Field Operations U.S. Customs and Border Protection, Department of Homeland Security; James W. LeDuc, Coordinator for Influenza, Centers for Disease Control and Prevention, Department of Health and Human Services; Todd Davidson, Oregon Tourism Commission, Salem, on behalf of the National Council of State Tourism Directors and the Western States Tourism Policy Council; Jay Rasulo, Walt Disney Parks and Resorts, Burbank, California, on behalf of the Travel Industry Association and U.S. Travel and Tourism Advisory Board; Jonathan M. Tisch, Loews Hotels, New York, New York, on behalf of the Travel Business Roundtable; and Virginia Pressler, Hawaii Pacific Health, Honolulu.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee began markup of H.R. 5252, to promote the deployment of broadband networks and services, but did not complete action thereon, and will meet again on Tuesday, June 27.

ENHANCED ENERGY SECURITY ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2747, to enhance energy efficiency and conserve oil and natural gas, after receiving testimony from Senators Bayh and Coleman; Alexander Karsner, Assistant Secretary of Energy for Energy Efficiency and Renewable Energy; and Daniel A. Lashof, Natural Resources Defense Council, Kateri Callahan, Alliance to Save Energy, and Steven Nadel, American Council for an Energy-Efficient Economy, all of Washington, D.C.

HERITAGE AREAS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 574, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act, S. 1387, to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of a special resource study of sites and landscape features within the Corridor, and to authorize additional appropriations for the Corridor,

S. 1721, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, S. 2037, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and S. 2645, to establish the Journey Through Hallowed Ground National Heritage Area, after receiving testimony from Donald W. Murphy, Deputy Director, National Park Service, Department of the Interior; W. Michael Sullivan, Rhode Island Department of Environmental Management, Providence; Ann Marie Velasquez, Los Caminos Antiguous Scenic and Historic Byway, Antonito, Colorado; Cate Magennis Wyatt, The Journey Through Hallowed Ground, Waterford, Virginia; Daniel M. Rice, Ohio and Erie Canal Way Coalition, Akron; and Charlene Perkins Cutler, Quinebaug-Shetucket Heritage Corridor, Inc., Putnam, Connecticut.

NUCLEAR PLANT REGULATION

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded an oversight hearing to examine the regulatory processes for new and existing nuclear plants, including progress on implementing the provisions of the Energy Policy Act of 2005, programs for new reactor regulation, and the current state of the Reactor Oversight Process, after receiving testimony from Nils J. Diaz, Chairman, and Edward McGaffigan, Jr., Jeffrey S. Merrifield, Gregory B. Jaczko, and Peter B. Lyons, each a Commissioner, all of the U.S. Nuclear Regulatory Commission; J. Barnie Beasley, Jr., Southern Nuclear Operating Company, Birmingham, Alabama; David A. Lochbaum, Nuclear Safety Project, Washington, D.C., on behalf of the Union of Concerned Scientists; and Kevin Book, Friedman, Billings, Ramsey and Company, Inc., Arlington, Virginia.

ENERGY SECURITY

Committee on Foreign Relations: Committee concluded a hearing to examine energy security in Latin America, including S. 2435, to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, after receiving testimony from Senators Craig and Salazar; Domingo Cavallo, DFC Associates LLC, Buenos Aires, Argentina; Luis E. Giusti, Center for Strategic and International Studies, and David L. Goldwyn, Goldwyn International Strategies LLC, both of Washington, D.C.; and Eduardo Pereira de Carvalho, Brazilian Association of Sugar Cane and Ethanol Producers, Sao Paulo, Brazil.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Clifford M. Sobel, of New Jersey, to be Ambassador to the Federative Republic of Brazil, after the nominee, who was introduced by Senators Frist and Lautenberg, testified and answered questions in his own behalf.

HEALTH INFORMATION TECHNOLOGY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security concluded a hearing to examine efforts to assure healthy initiatives in health information technology, after receiving testimony from Jodi G. Daniel, Director, Policy and Research, Office of the National Coordinator for Health Information Technology, Department of Health and Human Services; Linda D. Koontz, Director, Information Management Issues, Government Accountability Office; Carl E. Hendricks, Chief Information Officer for the Military Health System, Department of Defense; and Michael Kussman, Deputy Under Secretary for Health, and Robert Howard, Supervisor, Office of Information and Technology, and Ross Fletcher, Chief of Staff, VA Medical Center Wilmington, all of the Department of Veterans' Affairs.

MEDICAL LIABILITY

Committee on Health, Education, Labor, and Pensions: Committee held a hearing to examine alternatives to improve the medical liability system work better for patients, focusing on S. 1337, to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, receiving testimony from David M. Studdert, Harvard University School of Public Health, Boston, Massachusetts; Philip K. Howard, Common Good, and William M. Sage, Columbia Law School, both of New York, New York; Richard C. Boothman, University of Michigan Health System, Ann Arbor; Susan E. Sheridan, Consumers Advancing Patient Safety, Boise, Idaho; Cheryl Niro, American Bar Association, Chicago, Illinois; and Neil Vidmar, Duke University Law School, Durham, North Carolina.

Hearing recessed subject to the call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990;

S. 3501, to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement

Act to establish an acquisition fund for the water rights and habitat acquisition program;

S. 3526, to amend the Indian Land Consolidation Act to modify certain requirements under that Act.

Also, Committee approved the report on Tribal Lobbying Matters and Recommendations.

VA LEGISLATION

Committee on Veterans Affairs: Committee ordered favorably reported the following bills:

S. 2562, to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

S. 3421, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, with an amendment; and

S. 2694, to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, with an amendment in the nature of a substitute.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session and ordered favorably reported the nomination of Kenneth L. Wainstein, of Virginia, to be an Assistant Attorney General, Department of Justice.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 5669–5671, 5673–77; and 7 resolutions, H.J. Res. 90; H. Con. Res. 432–434; and H. Res. 887–889 were introduced. **Pages H4519–20**

Additional Cosponsors: **Pages H4520–21**

Reports Filed: Reports were filed today as follows:

H.R. 5316, to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness for, response to, recovery from, and mitigation against disasters, with amendments (H. Rept. 109–519, Pt. 1);

H.R. 5672, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2007 (H. Rept. 109–520);

H.R. 4843, to increase, effective as of December 1, 2006, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, with amendments (H. Rept. 109–521);

H.R. 5318, to amend title 18, United States Code, to better assure cyber-security, with an amendment (H. Rept. 109–522);

H.R. 5337, to ensure national security while promotion foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes, with an amendment (H. Rept 109–523, Part I);

H.R. 5358, to authorize programs relating to science, mathematics, engineering, and technology education at the National Science Foundation and the Department of Energy Office of Science, and for other purposes, with an amendment (H. Rept. 109–524); and

H.R. 5356, to authorize the National Science Foundation and the Department of Energy Office of Science to provide grants to early career researchers to establish innovative research programs and integrate education and research, and for other purposes, with amendments (H. Rept. 109–525). **Page H4519**

Question of Consideration: The House agreed to consider H.R. 5638, to amend the Internal Revenue Code of 1986 to increase the unified credit against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, by a recorded vote of 238 ayes to 188 noes, Roll No. 312. **Pages H4427–33, H4444**

Permanent Estate Tax Relief Act of 2006: The House passed H.R. 5638, to amend the Internal Revenue Code of 1986 to increase the unified credit

against the estate tax to an exclusion equivalent of $5,000,000 and to repeal the sunset provision for the estate and generation-skipping taxes, by a recorded vote of 269 ayes to 156 noes, Roll No. 315. **Pages H4427–33, H4466–67**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Rangel motion to recommit the bill promptly to the Committee on Ways and Means with some amendatory instructions, by a recorded vote of 229 ayes to 195 noes, Roll No. 313. **Pages H4461–64**

Rejected the Pomeroy motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 182 ayes to 236 noes, Roll No. 314. **Pages H4464–66**

H. Res. 885, the rule providing for further consideration of the bill was agreed to by a recorded vote of 228 ayes to 194 noes, Roll No. 309, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 194 nays, Roll No. 308. **Pages H4441–42**

Legislative Line Item Veto Act of 2006: H.R. 4890, amended, to amend the Congressional and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, by a recorded vote of 247 ayes to 172 noes, Roll No. 317. **Pages H4433–41, H4467–93**

Agreed to amend the title so as to read: "To amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.". **Page H4493**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, modified by the amendment printed in the report, shall be considered as adopted. **Page H4469**

Point of order sustained against the Spratt motion to recommit the bill to the Committee on the Budget with instructions to report the same back to the House forthwith with an amendment. **Pages H4488–92**

Rejected the Spratt motion to recommit the bill to the Committee on the Budget with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 170 ayes to 249 noes, Roll No. 316. **Pages H4484–92**

H. Res. 886, the rule providing for further consideration of the bill was agreed to by a recorded vote of 228 ayes to 196 noes, Roll No. 311, after agreeing to order the previous question by a yea-and-nay vote of 227 yeas to 196 nays, Roll No. 310. **Pages H4443–44**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on yesterday, Wednesday, June 21st:

Supporting efforts to increase childhood cancer awareness, treatment, and research: H. Res. 323, amended, to support efforts to increase childhood cancer awareness, treatment, and research by a (2/3) yea-and-nay vote of 393 yeas with none voting "nay", Roll No. 318. **Pages H4493–94**

Commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand: The House agreed by unanimous consent to H. Con. Res. 409, amended by the Senate, to commemorate the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand. **Page H4495**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 on Monday, June 26th for Morning Hour debate. **Page H4495**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 28th. **Page H4495**

Presidential Message: Read a message from the President wherein he notified the Congress regarding the continuation of the national emergency with respect to the Western Balkans—referred to the Committee on International Relations and ordered printed (H. Doc. 109–117). **Page H4496**

Late Report: Agreed that the Committee on Homeland Security have until midnight on June 23rd to file a report on H.R. 5351, to amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security. **Page H4494**

Senate Message: Message received from the Senate today appears on page 4444.

Senate Referral: S. Con. Res. 103 was held at the desk. **Page H4444**

Quorum Calls—Votes: Three yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H4441–42, H4442, H4443, H4443–44, H4444, H4463–64, H4466, H4466–67, H4492, H4492–93 and H4493–94. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:16 p.m.

Committee Meetings

CHINA'S MILITARY POWER

Committee on Armed Services: Held a hearing on the military power of the People's Republic of China. Testimony was heard from the following officials of the Department of Defense: Peter W. Rodman, Assistant Secretary, International Security Affairs; Mark Cozard, China Forces Senior Intelligence Officer, Defense Intelligence Agency; and COL Robert Carr, USA, Assistant Director, Intelligence, Joint Staff.

INTERNET PRIVATE RECORDS ACCESS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings entitled ''Internet Data Brokers and Pretexting: Who Has Access to Your Private Records?''. Testimony was heard from Paul Kilcoyne, Deputy Assistant Director, Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; the following officials of the Department of Justice: Elaine Lammert, Deputy General Counsel, Investigative Law Branch, FBI; James J. Bankston, Chief Inspector, Investigative Services Division; U.S. Marshals Service; Ava Cooper Davis, Deputy Assistant Administrator, Office of Special Intelligence, Intelligence Division, DEA; and W. Larry Ford, Assistant Director, Office of Public and Governmental Affairs, Bureau of Alcohol, Tobacco, Firearms, and Explosives; Peter Lyskowski, Assistant Attorney General, State of Missouri; Julia Harris, Assistant Attorney General, State of Florida; and public witnesses.

SAFE TRUCKERS ACT OF 2006

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity approved for full Committee action, as amended, H.R. 5604, SAFE Truckers Act of 2006.

REDUCING NUCLEAR/BIOLOGICAL THREATS

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled ''Reducing Nuclear and Biological Threats at the Source.'' Testimony was heard from Jerry Paul, Principal Deputy Administrator, National Nuclear Security Administration, Department of Energy; Frank Record, Acting Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; Jack David, Deputy Assistant Secretary, International Security Policy, Department of Defense; and public witnesses.

U.S. ELECTIONS—NON-CITIZEN VOTING AND ID REQUIREMENTS

Committee on House Administration: Held a hearing entitled ''You Don't Need Papers To Vote?''. Non-citizen voting and ID requirements in U.S. elections. Testimony was heard from Representatives Hyde and Langevin; Ray Martinez, Vice Chairman, United States Election Assistance Commission; and public witnesses.

MISCELLANEOUS MEASURES; MIDDLE EAST RELIGIOUS MINORITIES

Committee on International Relations: Subcommittee on Africa, Global Human Rights and International Operations approved for full Committee action the following measures: H. Res. 860, amended, Calling on the Government of Germany to take immediate action to combat sex trafficking in connection with the 2006 FIFA World Cup; H.R. 4319, Assistance for Small and Medium Enterprises in Sub-Saharan African Countries Act of 2005; H.R. 4780, Global Online Freedom Act of 2006; H.R. 5382, Central Asia Democracy and Human Rights Promotion Act of 2006; and H.R. 5652, amended, African Development Foundation Act of 2006.

The Subcommittee also held a hearing on Can Religious Pluralism Survive in the Middle East: The Plight of Religious Minorities? Testimony was heard from public witnesses.

PUBLIC EXPRESSION OF RELIGION ACT

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 2679, Public Expression of Religion Act of 2005. Testimony was heard from public witnesses.

OVERSIGHT—PROTECTING U.S. WORKERS

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing entitled ''Is the Labor Department Doing Enough To Protect U.S. Workers?''. Testimony was heard from Sigurd L. Nilsen, Director, Education, Workforce, and Income Security Issues, GAO; Alfred Robinson, Acting Director, Wage and Hour Administration, Employment Standards Administration, Department of Labor; and public witnesses.

OVERSIGHT—NATIONAL PARK SYSTEM ADVISORY BOARD REAUTHORIZATION

Committee on Resources: Subcommittee on National Parks held an oversight hearing on the Reauthorization of the National Park System Advisory Board. Testimony was heard from Fran Mainella, Director, National Park Service, Department of the Interior; and public witnesses.

WATER AND POWER INFRASTRUCTURE

Committee on Resources: Subcommittee on Water and Power held an oversight hearing on Securing the Bureau of Reclamation's Water and Power Infrastructure: A Consumer's Perspective. Testimony was heard from Larry Todd, Deputy Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

OVERSIGHT—FUTURE FEDERAL COURTHOUSE CONSTRUCTION PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on the Future of the Federal Courthouse Construction Program: Results of a GAO Study on the Judiciary's Rental Obligations. Testimony was heard from Mark Goldstein, Director, Physical Infrastructure Issues, GAO; Jane R. Roth, Judge, Third Circuit Courts of Appeals, Chairman, Committee on Space and Facilities; and David L. Winstead, Commissioner, Public Buildings Service, GSA.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2006; OVERSIGHT IT DATA SECURITY

Committee on Veterans' Affairs: Ordered reported, as amended, H.R. 4843, Veterans' Compensation Cost-of-Living Adjustment Act of 2006.

The Committee also held an oversight hearing on the legal implications of the theft from a VA employee's home of personal data regarding millions of veterans, active duty military personnel, and spouses. Testimony was heard from Tim McClain, General Counsel, Department of Veterans Affairs; and public witnesses.

U.S. COMPETITIVENESS/INTERNATIONAL TAX REFORM

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on the Impact of International Tax Reform on U.S. Competitiveness. Testimony was heard from public witnesses.

PATH AHEAD FOR THE CIA; CIA DIRECTOR AS HUMINT MANAGER

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing entitled ''Path Ahead for the CIA.'' Testimony was heard from GEN Michael V. Hayden, USAF, Director, CIA.

The Committee also met in executive session to hold a hearing entitled ''The CIA Director as HUMINT Manager.'' Testimony was heard from GEN Michael V. Hayden, USAF, Director, CIA.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 23, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations: to hold a closed briefing on State Department and Defense Department cooperation overseas, 1 p.m., S–407, Capitol.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

11 a.m., Friday, June 23

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, June 26

House Chamber

Program for Monday: To be announced.

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