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House of Representatives

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

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

ARMY RECRUITMENT

Mr. BLUMENAUER. Thank you, Mr. Speaker.

As the cost of the war in Iraq climbs past $300 billion, and there are estimates that suggest the total financial cost will far exceed $1 trillion, there is another cost that is less measurable but no less significant: that is the stress on the military itself and the consequences for our fighting men and women, for innocent Iraqis, and the capacity of our Armed Forces far into the future.

The Pentagon has announced that the Army has met its recruiting goals for the 13th consecutive month, but we are seeing an erosion in the quality of recruits in our Armed Forces as more and more young Americans who disagree with what we are doing in Iraq have chosen to stay away. In order to meet recruiting targets, the Army has relaxed restrictions against high school dropouts and have started letting in more applicants who score in the lowest third on the Armed Forces aptitude test, a group known as category 4 recruits. Since the mid 1980s, category 4 recruits were kept, as a matter of policy, to less than 2 percent of all recruits. But by the end of 2005, the percentage of recruits who fell under this lowest category has reached double digits.

In my district, not only has the Army lowered its standards but recruiters have been pushed to violate the remaining standards in order to meet these recruiting targets. We have had two examples of where autistic young men have been recruited into the Army despite the regulations. As I have discussed on the floor of the House how outrageous this was, indeed, one of these young men did not even know that there was a war going on in Iraq. This all has terrible consequences for our efforts against the global war on terror.

This weekend's papers were full of articles and editorials about the role that our lowered recruiting standards may have played in the recent spate of reports of servicemembers being accused of atrocities in Iraq. What does this tell us about our efforts to eliminate the insurgency and win the hearts and minds of people in the Middle East?

We must also consider the long-term cost to our national security and to the military itself. These lower standards are impacting the Army's capacities and will continue to do so for at least a generation into the future.

There was a RAND Corporation study last fall that showed replacing a gunner who had scored 3A on the aptitude test with one who scored that category 4 that I mentioned a moment ago, reduced the chances of hitting targets by 34 percent. In another study, 84 three-man teams from the Army's active duty signal battalions were given the task of making a communications system operational, what you need to do in a theater of battle. Teams consisting of the category 3A had a 67 percent chance of succeeding. Those with category 4 personnel had only a 29 percent chance. More than two-thirds to barely more than a quarter.

There is also damage to the reputation of the good name of the United States military. We are intensely proud of the young men and women who have served under such difficult circumstances. It is not fair for their hard work and heroic efforts to be tainted by the action of others or for their job to be made more difficult or more dangerous due to substandard soldiers who are finding their way into the Armed Forces. When we lower recruitment standards or recruit those who have no business in the military at all, the consequences will be felt by our military in Iraq today and by the entire Nation for years to come.

One of the reasons it is imperative to have a sensible plan to scale down and transition our activities in Iraq, handing them over to the Iraqis, themselves, is to stop this erosion of our military capacity that has occurred because of the sadly inept management of the occupation by this administration and the Secretary of Defense. There was never a doubt about our winning the war in Iraq. They just weren't prepared to win the peace.

Our young men and women in the armed services deserve for us to get it right, because their lives are at stake. And we owe it to every American, because there are dangerous people around the world and the integrity of the military is critical to our fight to protect America.

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006, H.R. 9

The SPEAKER pro tempore (Mrs. DRAKE). Pursuant to the order of the House of January 31, 2006, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized during morning hour debates for 5 minutes.

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Mr. BUTTERFIELD. Thank you, Madam Speaker.

Madam Speaker, it is my understanding that the House leadership has agreed to bring to the floor this week the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I want to thank the Speaker and the majority leader for their willingness to go forward with this debate prior to our upcoming recess.

Madam Speaker, the 1965 Voting Rights Act changed America. It created the opportunity for minority citizens to fully participate in democracy. Prior to the enactment and enforcement of the act, black citizens in the South were disenfranchised, primarily because of the literacy tests and because of the design of election systems that submerged concentrations of black voters into large, majority-white election districts. The result was that African-American communities could not elect candidates of their choice to office.

Why? It was because black voters did not comprise sufficient numbers within the district and white voters refused to vote for candidates who were the choice of the minority community. And so the votes of black citizens were diluted, which is a clear violation of the principle of one-person, one-vote.

The Voting Rights Act permits minority citizens to bring Federal lawsuits when they feel their vote is being diluted. Hundreds of these lawsuits have been successfully litigated in the Federal courts. In my prior life, I was a voting rights attorney in North Carolina. As a result of court ordered remedies, local jurisdictions have been required to create election districts that do not dilute minority voting strength. When I was in law school 32 years ago, there were virtually no black elected officials in my congressional district. Today, I count 302.

The Voting Rights Act also requires some jurisdictions to obtain Department of Justice pre-clearance to any change in election procedure. This, at first blush, may appear to be unfair to those jurisdictions, but the jurisdictions that are covered have a significant history of vote dilution and this requirement of pre-clearance simply assures that the jurisdiction does not intentionally or unintentionally make changes in their election procedures that will discriminate. This is called section 5. Section 5 has prevented many, many election changes that would have disenfranchised minority voters. It serves a useful purpose and should be extended.

A short story, Madam Speaker, and then I will close. In 1953 in my hometown of Wilson, NC, the African-American community worked very hard to teach the literacy test and qualify black citizens to vote. They then organized and elected an African American to the city council in a district with a large concentration of black voters. That was big news. When it was time for reelection in 1957, the city council, arbitrarily and without notice or debate, changed the election system from district voting to at-large voting which resulted in the submerging of black voters. The change also required voters to vote for all city council seats on the ballot. If not, the ballot was considered spoiled. It was called the ''vote for six rule.''

Needless to say, that candidate, Dr. G.K. Butterfield, was handily defeated. If section 5 had been in place in 1957, this jurisdiction would not have been able to implement the changes and this community would have continued to have representation.

Madam Speaker, we have made tremendous progress in this country with respect to civil rights and voting rights. We must not turn back. I urge my colleagues on Thursday to vote for another 25-year extension of section 5 of the Voting Rights Act and require covered jurisdictions to get the Department of Justice to analyze the voting change to determine if it will have the effect of diluting minority voting strength.

RECESS

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

Accordingly (at 9 o'clock and 12 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

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

PRAYER

The Reverend J. Cletus Kiley, President, The Faith & Politics Institute, Washington D.C., offered the following prayer:

O God, we bow our heads humbly, gathered in this hallowed Chamber at the beginning of a new day. Here, in this place, our faith and our politics meet. Our work is about the just ordering of our society. And so at the beginning of this day we beg a portion of Your spirit that we might fully understand the authentic requirements that such a just society demands.

We beg a fuller portion of Your spirit to strengthen us so that our work is always at the service of love, and thus, in the face of human suffering, we may become a consolation; where there is isolation, we may become community; where there is need, we may become abundance; where there is threat, we may become strength.

Today, O God, stretch us beyond our personal limits that we might fulfill Your divine plan and may serve the common good of our people. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH 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.

DEMOCRATS HAVE A LACKLUSTER RECORD ON BORDER SECURITY

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

Ms. FOXX. Mr. Speaker, House Democrats have been talking a lot about their agenda lately, but each and every time they fail to mention border security or immigration reform, and I suppose for good reason. With their lackluster record on immigration reform, I can understand why they hesitate to bring up the issue.

After all, Republicans voted to pass a border security bill in December, but Democrats, led by their minority leader, opposed the bill. Republicans voted to pass the REAL ID Act to make sure people who receive driver's licenses are here legally, but Democrats, led by their minority leader, opposed the bill.

Republicans wanted to allow members of our Armed Forces to help perform certain border security protection functions, but Democrats, led by their minority leader, opposed the amendment.

With a record like this, it is no wonder that the Democrats never mention border security as a part of their agenda.

DEPARTMENT OF PEACE AND NONVIOLENCE

(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, 5 years ago today, on July 11, I introduced legislation to create a Cabinet-level Department of Peace and Nonviolence, which would employ the principles taught by Christ, Gandhi, Dr. King, Mother Teresa and others to create a new hope for violence-free homes, schools and communities through peace and character education, a new hope that through peace education we can even challenge the notion of the inevitability of war.

Today, thanks to hundreds of community groups, led by The Peace Alliance, momentum is building. Fifteen

cities have passed resolutions endorsing a Department of Peace, and 74 Members of the House have signed on to the bill. More and more, Americans want a compassionate, focused, organized approach to dealing with the violence in our communities, to dealing with domestic violence, spousal abuse, child abuse and other types of violence. The Department of Peace represents the end of fear and the beginning of hope for a new Nation and a new world.

OUR BATTLE FOR THE BORDER

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

Mr. POE. Mr. Speaker, more news from the front. Our battle for the border continues, and so does the hypocrisy from El Presidente Generalissimo Fox. So intent on tearing down American barriers, he is more intent on building his own, and he has taken millions of U.S. taxpayer dollars to do it.

For years, Fox has taken American money as part of Operation BusBound, a joint U.S.-Mexican venture, to send illegal immigrants coming from Central America, going to Fox's southern border, and he wants to send them back home. But he wails when we, the United States, use our own money for our own southern borders, securing it with our troops who aren't even carrying weapons.

However, Guatemalans, trying to illegally enter Mexico, just trying to take jobs Mexicans won't do, are reportedly met at the border with machete-wielding farmers and armed Mexican military. The old sly Fox is trying to protect his hen house while continuing to illegally enter ours.

Why is the United States helping to protect the borders of other Nations while lacking the moral will to protect our own? This ought not to be, but, Mr. Speaker, that is just the way it is.

MINIMUM WAGE AND RISING PRICES

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

Mr. MORAN of Virginia. Mr. Speaker, over the last 9 years gas prices have doubled; college prices are up 38 percent; food prices, up 20 percent; housing, up 25 percent; and health care costs, up a whopping 75 percent. But the minimum wage hasn't budged over that period of time.

Over the last 5 years, we have had a singular focus in this House on raising revenue for those families for whom these numbers really don't mean much, because they have so much disposable income. But for people on the minimum wage, it means they have to decide between putting food on the table or insuring their own children. They have to work a week just to fill their tank with gas.

That's not right, and isn't it time that the Republican Party stop blocking the Democrat's attempts to raise the minimum wage and recognize that it is the working class families who are providing the underpinning of this economy? Let's increase the minimum wage. It is the right thing to do.

BORDER SECURITY

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

Mr. HAYWORTH. Mr. Speaker, I listened with interest to the comments of my friend from Virginia, and perhaps at a later time, he can elaborate on what he said at a town hall meeting recently where he was quoted as saying he looked forward to earmarking the heck out of future spending bills, should his party take control.

Mr. Speaker, I come to the floor today to talk about the border security hearings we held last week in California and Texas. I attended the hearing in California and noted with interest the comments of Sheriff Rick Flores of Webb County, Texas, who said in response to our questions that the first goal of this government, and our first priority, should be enforcement of the law and enforcement of our borders.

Mr. Speaker, that is a clear message. The American people likewise want to see enforcement first, no tricks, no triggers, no amnesty, enforcing existing laws and closing loopholes to reaffirm that our great Republic is, in fact, a nation of laws.

RAISING CONCERNS ABOUT THE ECONOMY

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

Mr. EMANUEL. Mr. Speaker, in July of 2001, a few months after President Bush took office, gas was $1.33 a gallon. Five years later, July 2006, it has more than doubled to $3.00, and in places like Chicago, it is as high as $3.40 a gallon.

But this is not the only place where the administration has failed middle-class families. Since 2000, the cost of health care has increased 73 percent to $11,000 for a family of four. The cost of tuition at a 4-year public college has increased 38 percent since 2001 and, at the same time, average weekly earnings have declined by 1 percent in America.

So while costs spiral out of control, middle-class families have less money in their pockets. That is not exactly what I would call a record of achievement. Yet today, the President said the economy is strong and getting stronger. The American people know that such statements are wrong and getting wronger. The President's statements show how out of touch he is with the struggles and challenges American families face today.

Mr. Speaker, all is not well on Main Street. It is high time that Washington and this Congress took action. It is time for a new direction. It is time for a change.

SENATE IMMIGRATION BILL RESTRICTS POLICE

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

Mr. MCHENRY. Mr. Speaker, the Washington Times reported today that a Senate immigration bill, the Kennedy bill, would prohibit State and local police from helping Immigration and Customs Enforcement officials combat illegal immigration. The Senate bill bars State and local police from detaining aliens simply for being in the U.S. illegally. Police could arrest the aliens only if they commit certain additional violations of Federal immigration law.

So the Senate bill wants to base our national security on get-out-of-jail-free cards and second chances? Let me remind you, Mr. Speaker, that four of the September 11 hijackers committed immigration violations and had been stopped by State and local police before the attacks on our Nation. Just 2 days before September 11, one hijacker, who had overstayed his visa, was stopped and given a $270 speeding ticket. That was later found in his rented car in the Newark airport just a couple of days after September 11.

Mr. Speaker, those who don't learn from their mistakes are destined to repeat them. The Kennedy bill in the Senate does just that.

EYE-POPPING FIGURES FOR EXTENDING MEDICARE PART D ENROLLMENT

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, eye-popping figures in the new GAO report just made the case for extending the Medicare part D enrollment deadline a great deal more compelling.

Exhibit A, insurance providers failed to answer phone calls accurately in response to 70 percent of the questions asked by seniors about their benefit.

Exhibit B, call centers underestimated out-of-pocket costs seniors have to pay by thousands of dollars.

Exhibit C, like the insurance providers, Medicare operators often answered questions incorrectly according to an earlier GAO report.

You would figure the extra $400 billion added to the initial price tag of the Medicare bill that the CMS actuaries didn't want to tell us about would at least buy seniors some peace of mind. Instead, part D continues to confuse and frustrate the seniors who, through no fault of their own, have a 3-in-10 chance of receiving the right information about their options.

Therefore, Mr. Speaker, I encourage my colleagues to help extend the enrollment deadline, repeal the sign-up

penalty, and repeal the provision locking seniors into a plan for a year once they sign up, so that they won't have to pay for the consequences of a bad bill for the rest of their lives.

NORTH KOREAN MISSILE LAUNCH

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

Mr. MILLER of Florida. Mr. Speaker, on America's birthday, North Korean leader Kim Jong Il thought it was wise to fire six ballistic missiles. The international community condemned these launches, and Kim Jong Il responded by firing an additional missile on July 5.

Having been to North Korea in 2003, I can tell you that their government does nothing for its people and uses blackmail as its primary foreign policy tool. Kim Jong Il and some of our opponents on the other side of the aisle believe that if North Korea fires missiles that it should be rewarded with direct talks and various forms of assistance. I don't believe in blackmail or rewarding bad behavior.

As President Bush has said recently about Kim Jong Il, he can verifiably get rid of his weapons programs, stop testing rockets, and there is a way forward to help his people. The choice is his to make.

Our military and intelligence professionals, along with our allies in this region, will continue to keep a close watch on North Korea. I have confidence in their abilities.

But let us not forget the 37,000 servicemembers and their families currently stationed in South Korea. I thank them for what they do and wish them continued safety in such close proximity to a despotic and unstable self-appointed leader.

CONTROL OF OUR BORDERS

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

Mr. BERRY. Mr. Speaker, I couldn't agree more with my colleague from Arizona when he says the number one priority is control of our borders. I find it interesting that my colleague from Texas says that it is the President of Mexico's fault. The fact is, over the last 5 years, the Republicans in the Bush administration and in this House have refused to properly fund border security programs. Today we are seeing the results.

Mr. Speaker, with the proposal that President Bush made for massive amnesty and other programs to allow people to come into this country, it has just encouraged the difficult situation. But the bottom line remains, we must get control of our borders, and to do that we have to fund it.

Over and over again, the Republicans on the Appropriations Committee and in this House have refused to provide adequate resources so we can do the job. It is time that we get the job done.

□ 1015

ILLEGAL ENTRY

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

Mrs. BLACKBURN. Mr. Speaker, today I rise to invite the Senate to join the House in debating how we are going to address illegal entry into this country. We are hearing from our colleagues today reporting back on the hearings that we are holding around the country, talking with sheriffs, talking with Border Patrol, talking to people on the ground.

We are hearing the same thing: stop illegal crossings. It is time. Get this problem under control.

Mr. Speaker, in this environment every State is a border State and every town is a border town. Meanwhile, the other body holds hearings talking about everything under the sun related to immigration except the actual process by which people come into this country illegally.

Until our colleagues across the Capitol are willing to admit illegal entry is the problem, we are going to continue seeing a debate that goes nowhere. We should address the problem. Illegal entry is the biggest problem, and then take on the next angle of the issue, and do it in an orderly process.

That is what our House leadership is saying, and they are right on the issue.

RAISE MINIMUM WAGE TODAY

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

Mr. BUTTERFIELD. Mr. Speaker, House Republicans have a chance to give more than 6 million Americans a much-deserved pay raise. Would you believe that the minimum wage has not been increased in 9 years? It is the second longest amount of time that hardworking Americans have had to go without a pay raise, resulting in the hourly wage being at its lowest level in 50 years.

House Democrats want to expand economic opportunity for all Americans. We want to increase the minimum wage from $5.15 an hour to $7.25. It is only fair. These workers play by the rules every day. All they want in return is to make a living wage.

Do my Republican colleagues really believe that $5.15 an hour is still a living wage? House Republicans claim that the only people who make the minimum wage are teenagers. Wrong.

Mr. Speaker, 75 percent of minimum wage workers are either the sole or one of two breadwinners in the family. House Republicans also like to claim that if we increase the minimum wage, jobs will be lost. Wrong again. Today in the States that mandate a higher minimum wage, job growth has actually gotten higher. No more excuses.

CRACKING DOWN ON ONLINE PREDATORS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of legislation that could protect innocent children across our great Nation. H.R. 5319, the Deleting Online Predators Act, introduced by the gentleman from Pennsylvania (Mr. FITZPATRICK), gives parents, teachers and school officials new tools in their effort to protect our children from online sexual predators.

Just this week back in my district in Tavares, Florida, prosecutors are picking a jury to try the case of John Couey, the man accused of raping and killing 9-year-old Jessica Lunsford.

Sexual predators like John Couey not only stalk our children on the playground and at the mall, but also over the Internet on Web sites like MySpace.com.

I commend the gentleman from Pennsylvania (Mr. FITZPATRICK) for bringing attention to these Internet predators and thank the Energy and Commerce Committee for holding hearings on this bill.

ENERGY SOLUTIONS NEEDED

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

Ms. WATSON. Mr. Speaker, all summer the American people have been facing record prices every time they go to the gas pump. Some have cut vacation plans, others are pinching their monthly paychecks attempting to make ends meet. Washington should be acting to pass a comprehensive energy package that relieves pain at the pump and reduces our dependence on foreign oil.

Unfortunately, House Republicans have refused to act on any substantial energy legislation this year. How bad do things have to get before House Republicans are finally willing to act? Instead of actually coming up with real solutions, House Republicans prefer the status quo. They refuse to act because of their cozy relationship with Big Oil and see no problem with the $16 billion in profit the three largest oil companies reported during the first quarter of the year.

Mr. Speaker, while House Republicans are content with the status quo, Democrats are ready to take America in a new direction. We will stand up to Big Oil and protect consumers from price gouging.

TAKING CARE OF OUR MILITARY FAMILIES

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

Mr. ISSA. Mr. Speaker, the district work period was especially meaningful for me going back to my district, Camp Pendleton being the center of it, and having a Fourth of July celebration in recognition of what our men and women in uniform have done and continue to do for our freedom and freedom around the world.

Mr. Speaker, I rise today very concerned that in fact the tendency to put the mission first is beginning to affect adversely the welfare and well-being of the families of our servicemen back home. We have had record supplementals and record payments on defense.

Mr. Speaker, we need to make sure that the funds that we earmark and put toward military construction, family housing units and the health and welfare of our men and women's wives, husbands and children get to them.

Mr. Speaker, I hope this body will work with the Department of Defense to ensure that those funds are maintained at the level that we put them in. It is essential that our fighting men and women away in combat know their families are taken care of at home.

NEGOTIABLE DRUG PRICES

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

Mr. LANGEVIN. Mr. Speaker, it has been 6 months since the Republican prescription drug plan went into effect, and we are seeing prices shoot up faster than they have in 6 years. That's right, prices have increased by almost 4 percent in the last 6 months. Weren't Republicans promising prices would actually go down after their plan took effect?

The reason drug prices are not falling is because the Republican law forbids the Federal Government from using the purchasing power of 40 million seniors to actually negotiate for lower prices, an issue I raised when this prescription drug plan was first taken up by this House. That is exactly what the Veterans Administration does for America's veterans.

According to a report released last month, veterans' drug bills are 43 percent lower than seniors' bills as a result.

Well, today, thanks to a Republican plan that was written here in the back rooms by the pharmaceutical industry, these companies can charge our seniors any price they want. Unlike our Republican colleagues, House Democrats actually want to help our seniors. We want to give the Federal Government the ability to negotiate for lower prices, something that is good for our seniors and good for the American taxpayer.

PRESIDENT BUSH DEMONSTRATES RESOLVE AGAINST NORTH KOREA

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

Mr. WILSON of South Carolina. Mr. Speaker, as Americans celebrated their liberties on the Fourth of July, the dictator of North Korea threatened the peace and stability of free nations throughout the world. I visited Pyongyang with Congressman JEFF MILLER, and I know that by test launching seven missiles into the Sea of Japan, Kim Jong-Il and his regime clearly disregarded North Korea's prior agreements.

As our country continues to fight the global war on terrorism, our allies cannot allow an unpredictable rogue leader to proceed with his quest for nuclear weapons. We must continue to work for a peaceful solution to this conflict, and we must hold North Korea accountable to their nonproliferation agreements.

I strongly support President Bush's efforts of diplomacy and an anti-ballistic missile defense system to protect the American people. As President Reagan said over 20 years ago, we must achieve peace through strength.

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

DOING HALF THE JOB

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

Mr. MCDERMOTT. Mr. Speaker, one of my colleagues just came back from Iraq. He brought with him a quote from a Special Ops officer who is operating in that country. This man said this: ''We are not going to kill our way to victory.''

Now, if you look at what has gone on in the last 5 years, this Congress has allowed the President to go into Afghanistan, do half the job, cut and run to go to Iraq to a war that had no purpose. They took out Saddam Hussein, the President landed on the Abraham Lincoln and said ''Mission Accomplished.''

In fact he was right, they got rid of Saddam, but they have been fighting a war of occupation for 4 years. When the President landed on the Abraham Lincoln, 141 people had died; and now, 2,400 more have died in this war of occupation with no plan to end it, no plan to get out of it, and no end in sight.

This President should be taken out of office. We can't do that, but there is an election coming in November of this year to take out the Republican leadership of the House.

PROTECTING OUR CHILDREN

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

Mrs. BIGGERT. Mr. Speaker, today the House Energy and Commerce Committee will take up H.R. 5319, the Deleting Online Predators Act of 2006, sponsored by the gentleman from Pennsylvania (Mr. FITZPATRICK).

As an original cosponsor of the measure, I urge my colleagues to give it their strongest support. As a mother and grandmother, like other parents, I am horrified by the statistics.

Mr. Speaker, 20 percent of young people have been approached online with unwanted sexual advances. Naperville, Illinois, a city in my district that has twice been voted by Money magazine as the top city in the Nation to raise children, has witnessed two high-profile cases in the past 2 months. Thanks to the Naperville police and the Illinois State Police, the two crimes were uncovered before the predators met the children.

In Michigan, one minor had traveled halfway around the world to meet a man in the West Bank town of Jericho that she met on the networking Web site MySpace.com.

As children, many of us were taught never to talk to strangers. As parents and grandparents, our message must change with technology to include strangers on the Internet.

IMMIGRATION POLICY

(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, let me ask the American people how much they love America, I know Americans love America giving all that they can give, an America that has opened her heart and mind to immigrants from all over the world and built a great nation, an America where everyone is proud because we have welcomed those from around the world who have fled oppression and persecution.

Why, then, do my friends on the other side of the aisle want to have the scapegoat-and-run policy for immigration, and that is refusing to stand and address the question that we all have come from somewhere and contributed to this Nation. And then, of course, we want to secure our homeland because we love America.

Why don't we have meetings, or a conference committee meeting in order to address the House and Senate bill so that Americans know that we care about securing their homeland; but yes, we recognize that the Irish and the Polish and those who come from Hispanic origins or Africa or the Caribbean or European heritage have all made this country great.

A pathway to citizenship, border security, not scapegoat and run, that is what America is all about. They want leadership and courage; they don't want anyone who stands for doing nothing.

□ 1030

TRIBUTE TO DOROTHY ROTH

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

Mr. DENT. Mr. Speaker, I rise today to pay tribute to a constituent of mine who passed away recently.

Born in South Africa, Dorothy Roth was an extraordinary woman whom I first met while canvassing her neighborhood in the city of Allentown 17 years ago. She immediately invited me into her home to discuss public policy and politics. Accepting that invitation would be among the best decisions I made in my public service life.

But that was by no means the last visit to Dorothy Roth's home by me. After I was in office, occasionally Dorothy would invite me over for a discussion over tea and hors d'oeuvres. Dorothy praised me when she thought I was doing right, and she never hesitated to admonish me when she thought I was wrong or wasn't helping enough to advance worthy ideas or issues. When Dorothy found a cause, there truly was no better champion.

Dorothy gushed with pride about her children and her grandchildren. She loved her country and her community. She expected a lot of us in public service, but she expected even more from herself.

Dorothy had a generous spirit and epitomized what a good citizen should be. More importantly, she was a great person.

SECURING OUR BORDERS HAS NOT BEEN A PRIORITY OF REPUBLICANS IN WASHINGTON

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

Mr. DAVIS of Tennessee. Mr. Speaker, after September 11, we all concluded that securing our borders was a top priority. Unfortunately, for the past 5 years the Republican majority here in Washington, from the White House to Capitol Hill, have refused to adequately fund border needs.

As a Congress, we promised to add 2,000 Border Patrol agents, 8,000 additional detention beds, and to add 800 more immigration investigators every year between 2005 and 2009. Two years into that promise, we are falling exceedingly short. House Republicans have cut $48 million from Customs and Border Security Protection; and Democrats tried to restore the funding, but we were rebuffed by the Republican majority.

It is bad enough that Washington Republicans refuse to properly fund border security measures, but now it appears they are unwilling to work together to negotiate a final border security and immigration bill this year.

The only way we will secure our borders is if House and Senate Republicans stop playing games, stop holding press conferences disguised as hearings, and actually sit down and hammer out a compromise. It is time to start fishing and stop cutting bait.

SECURING AMERICA'S BORDERS

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

Mr. HENSARLING. Mr. Speaker, the horrific 9/11 attacks on America taught us that border security is homeland security. But just last year, Customs and the Border Patrol stopped over 1 million people who illegally crossed our border. And of that 1 million, 160,000 were from countries other than Mexico, including Afghanistan, Iran, Iraq, Pakistan and Saudi Arabia.

Last week, expert witnesses at an International Relations subcommittee field hearing in Laredo, Texas, testified that unlike in years past, many illegal immigrants who sneak across the border are no longer good people who are simply in search of honest work, but rather, increasingly, they are criminals who belong to violent gangs and drug cartels.

Reynaldo Gaza, the Border Patrol chief in Laredo, testified that he worries now about the links between the drug cartels and the terrorists.

Hundreds of illegal immigrants will cross our southern border today. Some of them will be criminals, some gang members. I pray none are terrorists. But the truth is, we don't know. A nation without borders ceases to be a nation, which is why we must secure our border first.

IMMIGRATION REFORM

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

Ms. SOLIS. Buenos dias to our audience.

Mr. Speaker, I rise today to ask my colleagues in this body to stop blocking comprehensive immigration reform. Immigrants are our neighbors, our friends, our caretakers and fellow worshippers. They contribute more than $10 billion to our economy each year, and more than 35,000 immigrants are actively defending our Nation as members of the Armed Forces.

More than 200 Medals of Honor have been given to immigrant servicemembers for their actions in Iraq and Afghanistan. One hundred one non-U.S. citizens, like my constituent, Francisco Martinez Flores, died in military action September 11, 2001. He was a green card soldier.

Just yesterday our Nation's top general, Marine General Peter Pace, defended immigrants, saying the first Marine he lost in combat in Vietnam was an immigrant soldier. And he said that he continues to be on active duty because he says he still owes those who served with him in Vietnam, regardless of their status.

Immigrants, their families and families across the country deserve more than sham hearings and enforcement-only policies. Let's ask for a comprehensive immigration reform that takes care of all of our soldiers and all people defending our rights here in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHL of New York). The Chair would remind the Members who are making 1 minute requests that, in fact, the comments are to be directed to the Speaker, to the Chair.

CHILD PORNOGRAPHY

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

Mr. PITTS. Mr. Speaker, the plague of child pornography is a global program in need of a global response. A study released recently by the International Center for Missing and Exploited Children paints a sad and sobering picture.

Of the 184 countries studied, more than half have no laws addressing child pornography at all, and in most of the countries, the existing laws are inadequate.

This perverse form of exploitation horribly scars its victims, not only in the actual production of this sordid smut, but their pictures are then broadcast to the world online.

At a meeting recently of the Organization for Security and Cooperation in Europe, I offered a resolution on behalf of Chairman CHRIS SMITH and the U.S. delegation, calling on the nations of the world to address this growing problem.

The resolution calls on lawmaking bodies of the world to take a hard-line stance against this horrific practice and enact stiff criminal penalties for production and consumption.

I am pleased the resolution was unanimously adopted. Child pornography is a despicable business, and this resolution is a positive first step in the fight against it.

BUSH-GOP ECONOMY HAS FAILED MIDDLE CLASS FAMILIES

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

Mr. PALLONE. Mr. Speaker, last week's disappointing job creation numbers once again highlight that the Bush economic recovery is a failure, is really not a recovery at all, and continues to fail America's families.

In June, the Bush economy added only 121,000 jobs. That is less than the 150,000 needed just to keep pace with population growth. President Bush still has the worst jobs record since the

Great Depression, creating, on average, only 42,000 jobs per month.

Now, in the meantime, millions of American families are living paycheck to paycheck, struggling to make ends meet and going deeper into debt. With an economic record like this, you would think Washington Republicans would be coming up with some ideas on how to improve the economy. But, instead, Republicans say the economy is great.

Now, Democrats know better. We are fighting to expand economic opportunity for all by increasing the minimum wage, eliminating tax giveaways that encourage companies to move jobs overseas, and giving tax breaks to parents and students to better afford a higher education.

The problem, Mr. Speaker, is that Republicans are content with the status quo. Democrats are proposing creative ideas.

BORDER VULNERABILITIES AND INTERNATIONAL TERRORISM

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

Mr. ROYCE. Mr. Speaker, the Subcommittee on International Terrorism that I chair held two field hearings last week, one in San Diego and one in Laredo, Texas, on border vulnerabilities and international terrorism.

The unfortunate fact is that we live in a time when terrorists want to hit us as hard as they can. And it is elementary that to defend ourselves against these determined and resourceful enemies, our border must be secure or, as the Border Patrol says, ''We must have operational control of the border.'' We don't have that right now, and we don't have that despite a tenfold increase in what Republicans have done to fund homeland security.

But we need border fencing. And in Laredo, Texas, sheriffs told us of drug cartels and smuggling rings increasingly well equipped and more brazen than ever in attacking law enforcement officials. The Border Patrol warns of potential terrorists employing these networks to enter our country. Last year, it apprehended illegal border crossers from many countries designated state sponsors of terrorism or countries where terrorist organizations are active.

The sheriffs we heard from strongly seconded the Border Patrol's concerns about terrorists crossing our porous borders.

Colleagues, immigration reform must be national security reform.

DEMOCRATS AND REPUBLICANS WORKING TOGETHER TO PROTECT AMERICA

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

Mr. BILBRAY. Mr. Speaker, I would like to thank Chairman ROYCE for holding a hearing in Imperial Beach in San Diego County this week. And I think there was one very clear message, that amnesty is the greatest mistake that we could have, not only for immigration, but for common sense, and if not for common decency, that we should not reward those who have broken our immigration laws while people, millions, wait to immigrate legally.

But the one consensus we could make in that hearing was that Democrats and Republicans agree that the missing link in immigration reform is not spending more money, but having more enforcement against the source of the major cause of illegal immigration. That is illegal employment.

And so I would ask Democrats and Republicans to find these hearings as a consensus to talk about what are we doing to stop illegal employment. And I would ask both of you to take a look at SILVESTRE REYES' and DAVID DREIER's bill, H.R. 98, which says that we are going to crack down on illegal employers. But we are going to create a very simple way for employers to know who is legal and who is illegal, and that is to have a Social Security card that is as tamper resistant as our voting card.

So let's get together. If SILVESTRE REYES and DAVID DREIER can work together, can't the House, both Democrats and Republicans, work together to protect America?

IRAQ

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

Mr. GINGREY. Mr. Speaker, I rise today in support of the important progress being made in Iraq. Let me remind my colleagues and the American people of the incredible accomplishments United States troops and the Iraqi people have achieved over the last 4 years.

Saddam Hussein is behind bars, and al Qaeda's top leaders have been eliminated. Iraqi security forces currently participate in more than 90 percent of all security operations, and the Iraqi people are increasingly coming forth with actionable intelligence about terrorist activity.

But, Mr. Speaker, the progress in Iraq cannot be measured solely on our military success. The Iraqi people can now watch commercial television. They can read independent newspapers. Women are part of the political process. In fact, women secured 31 percent of the seats in the Iraqi National Assembly. Primary school enrollment has increased by nearly 3 million children, and Iraqi medical schools now graduate more than 2,000 doctors a year.

So, Mr. Speaker, as we congratulate the Iraqi people on these successes, let's not forget to thank our troops for the important work they are doing in Iraq, training soldiers, building schools, working every day for security and freedom in the Middle East.

PROVIDING FOR CONSIDERATION OF H.R. 4411, INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 907 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 907

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. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes. In lieu of the amendments recommended by the Committees on Financial Services and the Judiciary now printed in the bill, the amendment in the nature of a substitute depicted in the Rules Committee Print dated July 5, 2006, shall be considered as adopted. The bill, as amended, shall be considered as read. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided among and controlled by the chairman and ranking minority member of the Committee on Financial Services and the chairman and ranking minority member of the Committee on the Judiciary; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Berkley of Nevada or her designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only I yield 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this House resolution is a structured rule, House Resolution 907, and it provides 1 hour of debate in the House, equally divided among and controlled by the chairman and ranking minority member of the Committee on Financial Services and the chairman and ranking minority member of the Committee on the Judiciary.

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This resolution waives all points of order against consideration of the bill. It provides that in lieu of the amendments recommended by the Committees on Financial Services and the Judiciary now printed in the bill, the amendment in the nature of a substitute, depicted in the Rules Committee Print dated July 5, 2006, shall be considered as adopted. This resolution makes in order the amendment printed in the Rules Committee report accompanying the resolution, if offered by

Representative BERKLEY of Nevada or her designee, which shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. This resolution waives all points of order against the amendment printed in the Rules Committee report, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of House Resolution 907 and the underlying bill, H.R. 4411, the Unlawful Internet Gambling Enforcement Act.

First, I want to recognize and thank Chairman SENSENBRENNER and Chairman OXLEY for shepherding this bill through their committees to the floor for consideration. And, additionally, I would like to also recognize Representatives LEACH and GOODLATTE, the coauthors of H.R. 4411, for all of their hard work to ensure that laws are updated to the year 2006 and that we crack down on those who would circumvent existing law.

Mr. Speaker, H.R. 4411 would amend existing statutes to prohibit individuals and companies in the gambling industry from knowingly accepting credit card, check, electronic fund transfers, and other similar means or the proceeds of any other financial transaction in connection with unlawful Internet gambling. Further, this bill would direct the Secretary of the Treasury and the Board of Governors of the Federal Reserve System to develop and prescribe regulations which are necessary and proper to identify and prevent the previously mentioned types of transactions.

Essentially, Mr. Speaker, this bill aims to modernize existing law as established by the Wire Act of 1961 to both address the changing technological landscape and clarify the currently vague statutory definition of ''bets and wagers.'' This clarification is needed in order to close the ''blackjack'' loophole that allows games like poker, blackjack, and roulette to slip through the cracks of existing law. Additionally, this bill would increase from 2 years to 5 years the penalty for violating the Wire Act as well as this underlying bill. This bill also reaffirms our commitment to federalism by protecting the rights of the States to regulate Internet gambling within their respective borders.

Mr. Speaker, H.R. 4411 is a good bill that makes sure the letter of the law catches up with the spirit of the law, given the emergence of new technologies and the proliferation of underground and overseas gambling organizations that attempt to skirt the rule of law and exploit individuals.

So as we move forward with this debate, I want to encourage my colleagues to support the rule and support this underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I am going to do something different today. I am going to commend the majority for this rule. Internet gambling is an issue that does not break along traditional partisan lines. There are Democrats and Republicans who support the underlying bill before us, and there are Democrats and Republicans who oppose it. This rule makes in order legislation that regulates Internet gambling, but it also makes in order an important amendment offered by Representatives BERKLEY, WEXLER, and CONYERS, Members who do not support the bill as it is currently written.

This is a fair rule because it accommodates all the views expressed last night in the Rules Committee. This is how the legislative process should work, and I hope the Republican leadership will report more rules like this.

Having said that, Mr. Speaker, I do feel compelled to point out that the Republican leadership has scheduled the last vote today for some time around 2 or 3 o'clock. Tomorrow and Thursday are both expected to be short voting days, and we are not scheduled to be in session on Friday. There is plenty of time for the House to consider other important legislation, for example, an increase in the minimum wage that is long overdue and is supported by, I think, virtually all Democrats and even some Republicans. So, Mr. Speaker, where is the minimum wage?

To my friends on the other side of the aisle, why won't you allow this House to vote to increase the minimum wage?

Yesterday's Washington Post featured a front page article detailing the wage disparity in the metropolitan D.C. area. High-skilled workers are making increasingly higher salaries, but lower-skilled workers are being left behind. We know this is true for workers all across this country. The minimum wage is not keeping pace with the cost of living in America today. Housing costs are up, energy costs are through the roof, low-wage workers need help; and Congress cannot and should not continue to ignore the plight of low-income workers in America. Families are living paycheck to paycheck. They are struggling to make ends meet as the minimum wage is at its lowest level in 50 years, as I said, with rising health care costs, energy, and college costs that they have to deal with.

Poverty is getting worse in our country today. That is a fact. And it is frustrating that the leadership on the other side of the aisle seems indifferent to that sad reality. They pass tax cut after tax cut after tax cut after tax cut for millionaires, and yet they cannot find the time for us to consider an increase in the minimum wage.

This leadership has allowed for regular increases in congressional salary. Now, I know Members of Congress work hard. I am not saying that people here do not deserve a good salary. But surely my friends on the other side of the aisle must recognize that low-wage workers work hard too. They have families to support too. They have bills to pay too.

Mr. Speaker, we have the opportunity to change this. The Republican leadership certainly cannot claim that we do not have the time to consider an increase in the minimum wage. And I am willing to stay in session after 3 p.m. today to vote on this. I am willing to stay here on Friday. I am willing to give up the August recess until we vote to increase the minimum wage.

Mr. Speaker, it is not a question of timing. We know there is enough time to consider a minimum wage increase. It is a question of priorities. And the priorities of this Congress always seem to ignore those who are struggling most. Mr. Speaker, the American people deserve better than this.

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

Mr. GINGREY. Mr. Speaker, at this time I yield such time as he may consume to the distinguished chairman of the Agriculture Committee, the gentleman from Virginia and coauthor of this bill, Mr. GOODLATTE.

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for his generously yielding me this time.

I rise in strong support of this rule reported out of the Rules Committee and of the underlying legislation, which I have been pleased to introduce along with the gentleman from Iowa (Mr. LEACH), the gentleman from Virginia (Mr. BOUCHER), and more than 150 other Members of the House to address something that is long overdue, and that is modernization of our laws, our Federal laws, dealing with gambling, particularly what is referred to as Internet gambling.

This is a scourge on our society. It causes innumerable problems. Historically, gambling in the United States has been illegal unless regulated by the States. But Internet gambling ignores the laws of the 50 States, which vary each one compared to the next. Some States, like Utah, ban all forms of gambling. Other States, like Nevada next door, legalize a great many forms of gambling. This legislation does not interfere with that, but it addresses the now hundreds and hundreds and hundreds of offshore sites that are sucking billions of dollars. The latest estimate is a $12 billion industry with more than half of that coming out of the United States illegally, unregulated, untaxed.

Many like me who are opposed to gambling are concerned about the family problems. I have one family in my district whose son committed suicide because of debts run up on the Internet

due to gambling. Many are aware recently of the student at Lehigh University who ran up significant gambling debts and then robbed a bank in order to try to pay those off.

Those anecdotal evidences simply help to point out what is a magnifying problem of family problems, bankruptcy problems, problems with minors gambling, problems with addiction to gambling, problems with organized crime's being involved in gambling, all of which goes completely out of the purview of the States, which have jurisdiction over gambling in the United States.

So as a result of that, 48 out of 50 of our State attorneys general and the U.S. Justice Department and many other organizations, all the major sports organizations of the United States, many family organizations, many religious organizations, have come to the Congress asking for this legislation, asking to modernize the Wire Act, asking to take steps, as Congressman LEACH has ably done in his legislation coming out of the Financial Services Committee, to enable the Treasury Department, working with law enforcement, working with the financial industry in this country, to see that this flow of money going out to these sites is cut off.

This legislation accomplishes those goals. It is supported by the National Collegiate Athletic Organization that is concerned about the proliferation of sports betting on the Internet and the effect that it is having on their ability to keep these games fair and honest. We have had scandals in the past with regard to betting on sports. And all of the major sports organizations in the country, the National Football League, Major League Baseball, the National Hockey League, the National Basketball Association, have joined with the NCAA in supporting this legislation. But other groups, the Family Research Council, Focus on the Family, Advance USA, Eagle Forum, the United Methodists, Southern Baptists, and many, many other religious organizations and family organizations have joined in support of this effort to address this problem. And it is my hope that the House today will pass this legislation.

In the process it is very, very important that the amendment that has been made in order under the rule be defeated because this is, most clearly, a poison pill amendment. This amendment is designed to take away the carefully crafted legislation, the careful negotiations with the States to make it clear that the Congress is not attempting to interfere with the activities of the States that take place completely confined within their borders. This addresses interstate gambling on the Internet, and it addresses offshore gambling on the Internet. And this amendment would take out of the legislation those carefully crafted provisions and would effectively gut the bill and defeat the cooperative effort that the Congress has been engaged in with the States, with the State attorneys general, with the Justice Department, and with others. So I would urge my colleagues to support the legislation and to defeat the amendment.

The legislation clarifies the Wire Act, the 1961 statute that made it a Federal felony for gambling businesses to use wire communication facilities to transmit bets or wagers or related money in interstate or foreign commerce. The Wire Act did not contemplate the Internet or wireless communications devices and is ambiguous as to whether it applies to only sports-related gambling or all forms of gambling. The bill updates the Wire Act to clarify that it covers all types of gambling and all types of communication facilities.

H.R. 4411 also increases the maximum penalty for violations of the Wire Act from 2 to 5 years in prison and explicitly preserves the right of the States to regulate gambling that occurs solely within State borders. And the bill cuts off the flow of money to Internet gambling Web sites by regulating payment systems. The Department of the Treasury and the Federal Reserve will jointly develop policies and procedures for identifying and preventing financial transactions related to illegal Internet gambling.

□ 1100

Payment systems will be required to comply with these regulations. Even when criminal law cannot be enforced, the Federal Government's jurisdiction over financial systems can nevertheless cut off the money sources for these illegal businesses.

The bill authorizes State and Federal law enforcement to seek injunctions against persons who facilitate illegal Internet gambling, even when the person is not criminally liable; and when deliberating with foreign governments, the U.S. Government is exhorted to advance international cooperation in law enforcement efforts against illegal gambling and related money laundering. The Secretary of the Treasury will report to Congress about these efforts.

Now, Mr. Speaker, there is another aspect of this legislation that many people are very familiar with, and that is that 6 years ago the predecessor to this legislation was killed on the floor of this House, and subsequently in another Congress in the Judiciary Committee, based upon the misleading representations and the flow of enormous sums of money related to lobbying activities of one Jack Abramoff, who has been widely reported in coverage in the Washington Post and elsewhere regarding the activities that he and others carrying his water, his dirty laundry, engaged in to misrepresent the purposes of this legislation and to defeat it.

Many in this House are very determined that they have the opportunity today to clear the record, to purge the smear on the Congress that was placed on it by these actions; and Mr. Speaker, I urge my colleagues to take full advantage of that opportunity to do today what should have been done back then when this industry was much smaller. It has quadrupled in size since then, and we need to make sure that this legislation passes this House here today.

Mr. Speaker, I urge my colleagues to support the legislation, defeat the amendment and support the rule.

Mr. MCGOVERN. Mr. Speaker, as I said before, we don't have any problem with the rule that is before us today. We have a problem with the priorities of the Republican leadership in this House.

As I look at the schedule today, as I said before, we are out at 2 o'clock today. We are dealing with the bill that we are talking about right now and then some suspensions that really aren't terribly significant. I am willing to stay till 5 or 6 if we could debate the minimum wage.

Let's give the American workers an increase in their salaries. The average CEO in the United States earns 821 times more than the minimum wage worker, earning more before lunchtime than a minimum wage worker earns all year.

I think it is wrong to have millions of Americans working full time and year round and still living in poverty. I would like to think if you work in this country you can get out of poverty. I think it is wrong to give Congress a raise when millions of workers have not had a penny raise in 9 years.

Over 9 years, this House has given themselves something like $35,000 in pay increases, and we have not even addressed the issue of the minimum wage, and millions of our fellow citizens are locked into this minimum wage. It is wrong to give tax cut after tax cut after tax cut after tax cut to millionaires and to special interests when you do nothing for minimum-wage workers.

Nearly 15 million Americans will benefit from a minimum wage increase to $7.25 an hour, 6.6 million directly and 8.3 million indirectly. Almost 60 percent of these workers are women. Forty percent are people of color. Raising the minimum wage to $7.25 an hour equals an additional $4,400 a year for a family of three. That is 15 months of groceries, over 2 years of health care, 2 years of college tuition at a public 2-year college. I could go on and on and on.

It is astounding to me that we find ourselves back after the July 4 recess and we are told we will get to these important issues like the minimum wage when we can get to them. We have nothing going on this week that will keep us here beyond Thursday or keep us here until 5 o'clock today or even tomorrow.

What we are asking for is the opportunity to be able to debate the issue of increasing the Federal minimum wage and letting people in this Chamber,

both Republicans and Democrats, have an opportunity to vote up or down.

Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. GEORGE MILLER), a champion on this issue.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Massachusetts, and I just want to join him in his remarks that this really is not about this rule, but this is the only place where we can protest the priorities of this Congress when there are millions of American workers who work at the minimum wage, who are unable to provide for their families the basic necessities of their families. And Congress fails to address that issue and fails to address it especially when it is so clear the voids in the congressional schedule, where there are these huge gaps of time where it would be available to debate the minimum wage, hold hearings on the minimum wage, and report out a bill for consideration by the Members of Congress. And yet that is not being done.

It is not being done basically because the Republican leadership has committed itself to its supporters and the business community that it will not allow a minimum wage vote to come before the House of Representatives, even though it is clear that there is probably enough support to pass this legislation to increase the minimum wage to $7.25 an hour over the next couple of years.

By doing that, we dramatically change the lives of those individuals who today work at $5.15 an hour. We dramatically change the lives of the 1.6 million workers who are parents of children under the age of 18 who earn the minimum wage. All together those parents are working to raise more than 3 million children, and yet with the minimum wage stuck at $5.15 an hour, they are unable to provide the necessities for their family, for those children.

Mind you, these families are stuck at a wage of 1997. The Members of this House cannot think of anything else that is stuck at 1997. The price of bread is not struck in 1997 prices. The price of gasoline is not at 1997 prices. The price of health care is not at 1997 prices. But for these people who work every day and work at very difficult jobs, jobs most other people might not take, certainly will not take at this wage, they end up at the end of the year poor.

At the end of this congressional year, this Congress will not be able to find the time to address this urgent economic need.

We have supporters for increasing the minimum wage, a company I don't generally agree with, but Wal-Mart, who says essentially, even at their stores where they advertise everyday low prices, that the people who shop in the stores at minimum wage are not making enough money to buy the basic necessities that are offered. There is not enough money in the communities to provide for the success of those stores.

This is about whether or not we are going to create an underclass in America, an underclass probably we already have because these people are stuck in 1997 wages. But now that you know it, what is the morality of ignoring them? What is the morality of making a conscious decision that you are going to go out of session today at 2 o'clock as opposed to staying a couple of hours longer and dealing with the minimum wage? What is the morality that you are going to end this session of Congress where I think we have maybe 30 days left before adjournment without addressing the minimum wage?

What is it you are saying to these people about the worth that they are worth, about their lives, about their desire to take care of their children, to provide the necessities, to provide the wherewithal for the education and the health and the nutrition of their children?

Try doing it on $5.15 an hour. It won't buy you 2 gallons of gas today, so I hope you don't have to commute very far. It certainly won't help with health care payments because you have to pay the rent, and today we see rent is going up as housing markets go up.

So we leave these people stranded. And you want to talk about values, you want to talk about families, you want to talk about children, you want to talk about community, and you a creating an underclass that is so desperate, and yet these people make the decision to go to work every day. Explain the morality of that.

No, you are going to spend your morality on Internet gaming. We are going to say to people, if you bet on a horse, you are legal; if you bet on a dog, you are not. If you bet in one State, you are legal; not if in another. If you want to play Texas Hold 'Em, you are legal in some States, but not in other States.

No, let's talk about the morality of a family that is struggling every day to hold itself together at a time of increasing utility costs, increasing food costs, increasing transportation costs, increasing energy costs; and this Congress, under Republican leadership, simply will not make time to discuss this issue, to vote on this issue. We are not finding the time under this leadership to vote on this issue.

That is why we are going to ask for a vote on the previous question to suggest to you that there is another way to run this Congress, to run it for the benefit of these desperate Americans who are working hard every day, but not getting compensated in today's pay.

Imagine. You didn't think it was sufficient that you all get compensated here at 1997 wages, so we have continued to provide a COLA. I think it is justified, but the fact of the matter is, for millions of Americans, you have made a conscious decision while we get a COLA, we are going to trap them in 1997 wages.

I thank the gentleman, I thank him for his leadership, for allowing his cooperation on allowing this opportunity to have this vote and again to try to express to this Congress, because now we are lobbying the Congress on behalf of the people that are not politically engaged, are not politically active. They are working too hard; they are working too hard at work, and they are working too hard the rest of the day trying to figure out how they hold their families together.

And what do they get from the Republican Congress? They get the back of their hand. They get the back of their hand. These people's workday does not end at 5 o'clock. They spend the rest of the time trying to figure out how they are going to juggle transportation costs, food costs, health care, education, how they are going to do that for those 3 million children. And we sit by and we end the workday at 2 o'clock? At 2 o'clock, they are just getting started. We end the work day at 5 o'clock; they are driving home and figuring out whether or not they can go by the supermarket. Or we are not going to work on Fridays. They go to work on Fridays. They go to work all day on Fridays. We are going to work at 6 o'clock on Monday night. They went to work at 6 o'clock Monday morning.

Do you start to get the sense of the inequities that are taking place here that are within your power to change?

Let me tell you, you say, oh, you are going to kill jobs. There is no evidence that that is the case. In fact, those States that have increased the minimum wage apparently are doing a little better economically and having more job creation than those States that did not. But let me tell you, if you have a business plan that is dependent upon paying people 1997 wages, there may be something wrong with your business plan.

I do not think we should become coconspirators in creating this underclass, and we should not be able to look the other way as we live a life that is completely out of touch with the struggle of these people, with our neighbors, with people living in our community. They struggle on the job and off the job because it never ends for them trying to make ends meet. And we stroll in here on a Tuesday morning, we stroll out of here on a Thursday night. We stroll out of here for the month of August and we stroll out of here in November and we can't find time? We can't find time to address this issue?

We are not asking you to raise the wages from today. We are asking you to raise the wages from 1997.

I thank the gentleman for yielding the time.

Mr. GINGREY. Mr. Speaker, I yield myself 30 seconds.

It is interesting to hear from the other side the complaint about ending our workday at 2 o'clock or 3 o'clock or 4 o'clock in the afternoon, whatever the case may be, and yet we hear from them repeatedly of the accusation that

the Republicans are passing bills in the dark of the night. So no matter how we do it, they are going to criticize us.

I think the schedule that we keep is the one that gets things done and gets it done in an effective way.

Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Georgia for giving me this time, and I rise in strong support of this bill by the gentleman from Iowa (Mr. LEACH) and the gentleman from Virginia (Mr. GOODLATTE) and the rule which brings this bill to the floor. I am pleased to be a cosponsor of this legislation, which by the way, in case there is any confusion, has nothing whatsoever to do with the minimum wage.

We just heard a few minutes ago a very detailed explanation of this legislation by the gentleman from Virginia (Mr. GOODLATTE), one of the primary sponsors to deal with this, what he described as a $12 billion industry growing very rapidly, this problem of Internet gambling. This bill, this legislation, is a very reasonable and rational response to what is a very fast-growing national problem.

For the past 40 years or so, governments at all levels have been shrinking the tax base by taking more and more property off the tax rolls. At the same time, demands for more and more funding from all government agencies has been growing. Governments at all levels have turned to gambling in a desperate attempt to raise more revenue. Many States now promote lotteries or even allow casinos or other forms of gambling.

This sounds great, of course, for a politician to create a park, but we have now taken so much land off the tax rolls that we continuously hear about shortfalls in funding for every government activity. Half the land is now in some type of public or quasi-public ownership.

But gambling should not be the answer, Mr. Speaker. Several million people already are addicted to one form of gambling or another. This problem is going to grow, and many families will suffer if government keeps promoting gambling, and especially if it can be done by pushing a few buttons in the privacy and comfort of a home.

The Internet is addictive for many people, anyway, and online gambling can be doubly addictive. We need to put modest and reasonable limitations in place on Internet gambling, and this bill does that.

I urge its support.

□ 1115

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

Mr. Speaker, the bill before us today supposedly is part of the Republican Family Values Agenda. But going back to what my colleague from California (Mr. MILLER) asked, shouldn't any family value agenda include guaranteeing working families a livable, decent wage?

The fact of the matter is, if the minimum wage had increased at the same rate as the salary increase CEOs had received, it would now be $23.03 an hour. Members of Congress, as I have reminded my colleagues, have awarded themselves eight pay raises since they last raised the minimum wage. Thirty-five percent of workers who received a minimum wage are their family's sole earners. Sixty-one percent are women. And almost one-third of these women are raising children.

Oftentimes we hear the other side say that this will somehow hurt small business. Well, the fact of the matter is, small businesses perform better in States with higher 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.

The bottom line is, those of us on this side believe that increasing the minimum wage for working families in this country needs to be a priority, and we would prefer to have this discussion during a debate on the minimum wage. Unfortunately, the leadership on the other side continues to deny us that opportunity. So again I would urge my colleagues on the other side of the aisle who agree with us to press your leadership to allow us to have a vote on the minimum wage. We could do it today.

Again, I would remind my friend from Georgia (Mr. GINGREY) that according to the schedule that we are out by 2 today. We have plenty of time to do it today. We could do it tomorrow. We could do it Friday. We have the whole day on Friday we could do it. So again I would urge my colleagues to support any effort to increase the Federal minimum wage.

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

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), and I trust that he will be speaking about H.R. 4411 and this rule concerning the Unlawful Internet Gambling Enforcement Act of 2006.

Mr. OSBORNE. Mr. Speaker, I would like to thank Mr. GINGREY for yielding me time. I also thank Chairman OXLEY and Representative GOODLATTE for their work on this bill, and Representative LEACH and many others.

Mr. Speaker, I would like to emphasize that this is a tremendously important piece of legislation. This is not a filler. This is not something we are just going through the motions on. The reason I say this is that gambling causes poverty. It causes poverty, in many cases, as much as the wage actually paid an individual. It causes family dysfunction. It causes crime, embezzlement, theft.

There is nothing that we can do right now at this particular time that I think is more germane to the welfare of families and people in the United States than this legislation. The proliferation of Internet gambling is fueling the growth of illegal sports gambling on college campuses across the country. That is why this legislation is endorsed by the NCAA, the NFL and Major League Baseball. The reason I am coming at it from this perspective is, as a coach for 36 years, I was always very concerned about the impact of gambling on athletics.

A 2003 study by the NCAA showed that almost 35 percent of male student athletes engaged in some type of sports wagering behavior in the previous year, and roughly 10 percent of female student athletes did as well. For instance, one athlete reported a $10,000 Internet gambling debt.

Now, when you have that type of debt, and you are a student, there is almost no way you can pay it off except you can possibly say, well, you know, if I cooperate with the gamblers, and if I miss a free throw or fumble the football or fix a game, then I can be made whole.

And so the integrity of athletics is pretty much at jeopardy in this regard, and particularly because Internet gambling can be done in such an inconspicuous way. Almost every college student has access to a computer, and 70 percent of them have credit cards. Therefore, this is a huge problem on the college campus.

College students are more likely to fall victim to serious gambling problems. According to a 1997 study by Harvard University, college students show the highest percentage of pathological and problem gambling of any subgroup in the country.

So because of the pervasive, legal, economic and social challenges posed by the rapid growth of Internet gambling, the National Gambling Impact Study Commission unanimously recommended, in its 1999 final report, that the Federal Government prohibit all Internet gambling not authorized and legalized by law.

H.R. 4411, the Unlawful Internet Gambling Enforcement Act, provides new law enforcement mechanisms to stop offshore casinos that are violating existing State and Federal laws against Internet gambling. The ease of Internet gambling poses a very serious threat to our families and our society.

Mr. Speaker, I am pleased to be a cosponsor of this legislation. I urge support by my colleagues. Support the rule and underlying legislation to crack down on illegal Internet gambling.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

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

Ladies and gentlemen of the House, H.R. 4111 can also be considered Abramoff's revenge. Because as the Cato Institute itself, not the most liberal think tank around, has suggested, we are doing exactly what he wanted us to do.

What he wanted us to do is to push this bill as the anti-Abramoff bill, which is quite disingenuous. The Abramoff stuff is just latching on to the backlash to try to push it through.

And so for all of you who thought that we were doing something that he might not approve of, I just want you to know that this measure offers the gambling bill as something that he would now support in its present form. It is a very critical point to consider. It is a bill that he would have supported in 2000. And though the bill is being rationalized as a way to exorcise the demons of 2000, the reality is the bill serves the client, his clients or ex-clients' interests indeed.

I am hopeful that the Members, particularly my friend from Iowa, will recognize that what they are trying to do and that we know about his past involvement in the killing of the 2000 bill is now just the reverse.

JULY 11, 2006.

DEAR COLLEAGUE: ''Lobbyist Jack Abramoff and his team were beginning to panic.

''An anti-gambling bill had cleared the Senate and appeared on its way to passage by an overwhelming margin in the House of Representatives. If that happened, Abramoff's client, a company that wanted to sell state lottery tickets online, would be out of business.'' (''How a Lobbyist Stacked the Deck: Abramoff Used DeLay Aide, Attacks On Allies to Defeat Anti-Gambling Bill,'' Susan Schmidt and James V. Grimaldi, Washington Post, October 16, 2005)

If he were still lobbying and not on his way to jail, Abramoff and his former client would have no reason to panic about H.R. 4411, the revised Internet gambling bill scheduled for a vote on Wednesday. That's because H.R. 4411 contains precisely the loophole for state lotteries that Abramoff was hired to secure in 2000.

The bill's supporters often invokes the defeat of his bill in 2000 and lobbyist Jack Abramoff's role in that defeat as a reason to enact this year's bill. However, supporters conspicuously fails to note that Abramoff's goal was to preserve the ability of his then-client, ELottery.com, to bring state lotteries onto the Internet. He only worked to defeat the Goodlatte bill when it was clear that state lotteries would not be exempt from the ban.

He would be able to rest easy today. That's because H.R. 4411 contains an amendment to the Federal Wire Act that would allow states (and companies working with those states) to sell lottery tickets online so Iong as certain minimal conditions are met, e.g. the State must specifically authorize online lottery ticket sales. Given that some states already are looking to sell tickets online in order to boost revenues, the new version of the bill will give those states a green light.

H.R. 4411 is Abramoff's revenge. It is a bill that he could have supported in 2000. And though passage of this bill is rationalized as a way to exorcise the demons of 2000, the reality is this bill serves his client's interests..

Sincerely,

JOHN CONYERS, Jr.,
Ranking Member.

GOP OFFERS GAMBLING BILL AS ABRAMOFF ELIXIR

(By Kathryn A. Wolfe)

Some Republicans are touting Internet gambling legislation the House likely will pass Tuesday as evidence that disgraced lobbyist Jack Abramoff's influence is gone—even though the measure would protect many of the gambling interests he once represented.

Abramoff's lobbying activities, including actions he took on behalf of the Connecticut-based gambling company eLottery, are under Justice Department investigation. He separately pleaded guilty Jan. 4 to conspiracy and fraud charges stemming from the 2000 purchase of a gambling boat fleet and was sentenced to five years and 10 months in prison.

eLottery, which helps state and international governments and Indian tribes market lottery tickets online, hired Abramoff to lobby against a 2000 bill that sought to establish criminal penalties for Web sites offering Internet gambling, including those selling tickets for state lotteries online. He sought to kill the bill entirely, or alternatively to carve exceptions for certain powerful gambling industries. The measure was defeated on the House floor July 17, 2000.

This year, lawmakers, eager to turn the Abramoff scandal into something positive, have begun a new push to enact slightly different legislation intended to curb Internet gambling. Much of the rhetoric swirling around the bills portrays them as the mop with which lawmakers will cleanse the Capitol of Abramoff's influence.

During a House Financial Services Committee markup on March 14, Jim Leach, R-Iowa, a sponsor of one measure to curb Internet gambling (H.R. 4411), hinted at Abramoff's past involvement in killing the 2000 bill, suggesting the affair is a stain on Congress.

''Congress is in certain disrepute,'' Leach said. ''[The bill] is part and parcel of what I consider to be necessary to clean up the Congress.''

Leach's bill would prohibit banks and credit card companies from processing payments for online gambling bets.

Republican leaders decided to fold another Internet gambling bill (H.R. 4777) by Robert W. Goodlatte, R-Va., into Leach's bill for floor action Tuesday.

Goodlatte's bill—approved 25–11 by the Judiciary Committee on May 25—would prohibit gambling businesses from accepting credit cards and electronic transfers for online betting. It also would modify the 1961 Wire Act (PL 87–216) to clarify that its prohibitions apply to Internet gambling, not just sports bets placed over telephone wires.

It appears likely the gambling legislation will win sizable Democratic support on the floor. Goodlatte's bill was supported by four Democrats on the Judiciary panel. The Financial Services Committee approved Leach's bill by voice vote.

However, some congressional aides and policy analysts who have followed the legislation say little has changed since Abramoff succumbed to scandal.

''If they pass this bill, it will be clear that Abramoff has won and everything he fought for is still protected—all the industries, carve-outs and exceptions,'' said a Democratic aide familiar with the bills.

Indeed, neither Goodlatte's nor Leach's bill would apply its prohibitions to interstate online wagering on horse races. And Goodlatte's bill contains an exemption for online state lotteries.

Both measures also contain exemptions for fantasy sports leagues that offer cash prizes at the behest of Major League Baseball and grass-roots fan organizations such as the Fantasy Sports Association.

Goodlatte's bill expressly states that it would not prohibit activities allowed under the Interstate Horseracing Act (PL 95–515), the 1978 law that allows off-track betting facilities to accept interstate horse bets. The horse wagering industry and the Justice Department are locked in a battle over whether that law allows online interstate horse betting.

GOP leaders decided to allow one floor amendment to be offered to the bill, which would eliminate all waivers or exceptions for certain types of Internet gambling.

Goodlatte bristles at suggestions that his bill contains ''carve-outs'' for the horse-racing industry, arguing that it does not get involved in the issue. ''I have very carefully stayed away from that debate,'' Goodlatte said. ''This legislation is not the place to get into this issue.''

But Radley Balko, a policy analyst for the Cato Institute, a libertarian think tank, says that by remaining silent on the debate, the measures in effect contain an exemption.

Balko said the horse-racing industry will likely attempt to use the bills to bolster its case in its spat with the Justice Department by arguing that lawmakers' silence on the issue is tacit approval from Congress.

''This is exactly the bill Jack Abramoff would've wanted,'' Balko said. ''So to push it as the anti-Abramoff bill is disingenuous. The Abramoff stuff is just latching on . . . to the backlash to try to push this through.''

Goodlatte has been particularly vocal about the online wagering issue's connection with Abramoff. During a February appearance on CNBC, Goodlatte noted that he introduced his bill with 116 cosponsors, saying many who voted against the 2000 bill ''were misled by Mr. Abramoff and others about the function of the legislation [and] are now saying 'We want on board.' ''

Those who voted against the 2000 measure who this year are cosponsoring Goodlatte's bill include House Majority Whip Roy Blunt, R-Mo.; Dave Camp, R-Mich.; Steve Chabot, R-Ohio; Gene Green, D-Texas; Bill Jenkins, R-Tenn.; Thomas M. Davis III, R-Va.; Jack Kingston, R-Ga.; and Fred Upton, R-Mich. Tom DeLay, R-Texas, also signed on as a cosponsor, although he has since resigned from Congress.

The lawmakers who answered requests for comment on the matter—Blunt, Camp and Green—brushed aside suggestions they were influenced on the 2000 bill by Abramoffs efforts, saying this year's bills simply take a better approach. The rest did not return calls seeking comment.

''Congressman Blunt had concerns regarding potential loopholes in the bill when the House last voted,'' said spokeswoman Jessica Boulanger. ''His major concerns have been addressed and it is clear that the benefits of getting this bill done expeditiously outweigh any other concerns.''

Supporters of cracking down on Internet gambling, including the conservative Christian group the Traditional Values Coalition, view online gambling as a conduit for money laundering and a breeding ground for a host of social ills.

Opponents of the bills include professional and recreational gamblers, the online gambling industry, libertarian groups and some financial institutions, especially small banks, which fear it will be impossible to comply with the bills' directives.

Mr. GINGREY. Mr. Speaker, I yield 4½ minutes to the coauthor of this important piece of legislation, the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I hadn't intended to speak during the rule. I

would comment to begin with on Mr. MCGOVERN's point. I think he has a really quite excellent one on the minimum wage. But I must frankly differ quite profoundly with the comments of my good friend, the distinguished ranking member of the Judiciary Committee from Michigan.

The public record is very clear, JOHN, and there is no equivocation, no conceivable other interpretation. A bill was brought to the floor in the year 2000, which was brought by BOB GOODLATTE, and a great deal of lobbying went into it to defeat it by Mr. Abramoff. It did not get the requisite two-thirds vote.

Subsequently, in addition, the record is quite clear, on three separate occasions, the House banking committee brought a bill out that was not allowed to come to the floor. And there is every indication that it was a group led by Mr. Abramoff and others that blocked the leadership from allowing the bill to come to the floor.

And so I do not want anyone to think and be sidetracked into any other interpretation. This is an interpretation, by the way, fully shared by all of the outside groups looking at the issue. I know of no group that has a different interpretation than this.

Now, I recognize the gentleman has a long-held view about the appropriateness, and it is a credible approach of legalizing gambling. It is not an approach that I share, but it is credible. And this bill goes in the other direction.

As we go down this path, it is important that we all reflect the issues that we believe in from one perspective or another, but I don't think we should misinterpret history. And I know Mr. GOODLATTE from your committee has personal scars on what happened from influence peddlers from the outside world that have come and blocked approaches that he has advocated for long periods of time, and I have advocated also for a fair length of time.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to ask the question, Does this not contain carve-outs for horse racing?

Mr. LEACH. Actually, let me respond to that.

Mr. CONYERS. And lottery?

Mr. LEACH. Let me respond directly to that. The horse racing provisions in this bill reflect the Interstate Horse Racing Act. To the degree that there is any change, it is a slight upgrading restriction in horse racing, because the new definitional structures put in this bill apply to the Wire Act. This bill does not touch the dispute between the Justice Department and the horse racing community. But it increases the strength of the Justice Department's position in the sense that these new definitional structures that will apply to the Wire Act will also apply to horse racing itself.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank very much the gentleman for yielding. I want to be very, very clear about this. This legislation is very, very similar to the legislation that Jack Abramoff helped to defeat. He in no way supports it, number one. Number two, there is no carve-out in this legislation for horse racing or for lotteries.

That has been misrepresented time and time again. That is exactly the device, that is exactly the argument that Jack Abramoff used to defeat this legislation twice before. So to make the argument again I think is entirely wrong; it is entirely misleading. The fact of the matter is that the horse racing industry has a separate statute, the Interstate Horse Racing Act, and this legislation does nothing to enhance that legislation nor to repeal it.

The Justice Department negotiated very carefully the language that preserves their right to proceed against the horse racing industry if they choose to do so, because they maintain that separate statute, the Interstate Horse Racing Act, does not allow them to do what they are doing.

But this legislation does nothing to enable that in any way, shape or form; nor does it do anything to enable State lotteries to engage in Internet gambling operations.

The legislation makes it very clear that for any type of operation to take place, it must be confined within the borders of the State which cannot be done on the Internet.

Mr. MCGOVERN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I am deeply impressed by the passion that my comments have raised. But remember that the old bill that he killed did not contain a lottery exemption that Abramoff wanted, and this one does. CQ may have gotten it wrong, ladies and gentlemen, I doubt it. Republicans are touting Internet gambling legislation the House will likely pass as evidence that disgraced lobbyist Jack Abramoff's influence is gone, even though the measure would protect many of the gambling interests he once represented.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, hypocrisy is certainly rampant here in the House today. Mr. GOODLATTE, the gentleman from Virginia, apparently wants it both ways. He wants to tell us that the Department of Justice is opposed to horse race gambling, but on the other hand the horse race industry is happy as a clam.

Let me quote for you what they have said in their March 15, 2006, press release. It said they had secured language in the Leach bill to protect Internet and account wagering on horse racing. Also, NTRA worked with Congressman GOODLATTE to ensure that H.R. 4411 also contained language that protects online and account parimutuel wagering.

□ 1130

Obviously, nobody has told the horse racing industry that they are not exempt from this legislation.

After the Judiciary Committee approved the Goodlatte bill in May, the Thoroughbred Times printed an article titled ''Gambling Bill Passes Committee With Racing Exemption Intact,'' which includes the sentence, ''The bill includes an exemption that would allow the United States horse racing industry to continue to conduct interstate account and Internet wagering.''

Now, I was raised in Las Vegas, Mr. Speaker, where gambling is legal. My children were born in Las Vegas; my parents live in Las Vegas. We are now three generations there. I take great exception to those colleagues of mine that malign the gaming industry and, thereby, the State of Nevada.

Now, I know firsthand, coming from a family whose father was a waiter, and on a waiter's salary in Las Vegas because of a strong gaming economy made enough money to put food on the table, clothes on our back, a roof over our head, and two daughters through college and law school. That is not so bad on a waiter's salary, and it doesn't happen too many other places but the State of Nevada because of our strong gaming economy. I can assure you that neither my sister nor I nor any of our friends nor any of our children have had any bad consequences because of the gaming industry.

So when I hear the gentleman from Virginia speak of a carefully crafted compromise, which this bill supposedly is, I think what he means is that he made a deal with the horse racing lobby to exempt them from this bill. And why is that? Because he knew they would fight it tooth and nail unless he gave them an exemption. And his comments to the contrary doesn't make it so.

And when the gentleman from Nebraska stands up and speaks about protecting college students, I have been down this road with him before. When it comes to gambling online, there is nothing, nothing, let me repeat that as loudly as possible for everyone to hear, there is nothing in this legislation that is going to protect college kids on campus from gambling online. We are talking about off-shore gambling sites, Internet sites that are outside of the reach of our judicial system and our regulators.

PARLIAMENTARY INQUIRIES

Mr. GINGREY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. MURPHY). The gentleman will state his inquiry.

Mr. GINGREY. Mr. Speaker, is it appropriate for a Member to characterize the motivation of another Member, which I think the gentlewoman from Nevada, whether intentionally or unintentionally, just did? In addition to that, of course, reference the member as a hypocrite. And I just would like to know from the Parliamentarian, is this appropriate for a Member to characterize the motivation of another Member as Ms. BERKLEY just did regarding the distinguished author of this bill, Mr. GOODLATTE?

The SPEAKER pro tempore. The Chair reminds all Members to refrain from personalities regarding other Members' motives.

Ms. BERKLEY. May I make an inquiry?

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. BERKLEY. What would you call it when you are attempting to outlaw Internet gaming but create an exemption for horse race gambling online?

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

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, one of the problems with the discussion so far is we keep talking about prohibiting Internet gambling. There is nothing in the bill that prohibits Internet gambling. The prohibition is against running a gambling operation on the Internet in the United States. If you are running one offshore, there is no prohibition. So what we are doing is setting up a monopoly for offshore operations beyond the reach.

We are also setting up a credit card situation which cannot be enforced. How is a credit card company going to deny a bill coming in when they don't know what it is for? The credit card company has got to know it is illegal, they have got to know it was for illegal gambling rather than for something else. A lot of companies that have a lot of different entities, they may be charging for a hotel room, not for Internet gambling. And it cannot possibly be enforced. So you have a regulatory scheme that can't work and no prohibition against gambling.

If we wanted to get serious about Internet gambling, you should have put in there it is illegal to gamble. That is not in the bill. This bill is a message bill. It is unenforceable; you can't regulate it. It would make more sense since the cat is out of the bag, many countries are running Internet gambling operations already. If we are going to do anything, we ought to regulate the operations, supervise it, and tax it.

Mr. GINGREY. Mr. Speaker, I would agree with the gentleman from Virginia, it would be nice if we could in the United States Congress with our laws regulate what folks can do in Aruba or Bimini or Paradise Island. Unfortunately, we can't do that. But this bill does prohibit the use of financial instruments to pay for that gambling activity that is run offshore.

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

Mr. MCGOVERN. If I could inquire of my friend from Georgia how many more speakers he has.

Mr. GINGREY. We currently have no more requests for speakers at this time, so I am reserving for the purpose of closing.

Mr. MCGOVERN. I am the final speaker on our side, so I will proceed.

May I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 7 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I will urge all Members of this House to vote ''no'' on the previous question so that I can amend the rule and allow the House to vote on H.R. 2429, the Miller-Owens bill to increase the Federal minimum wage for the first time in nearly a decade. We have the time. According to the schedule, we are out at 2 o'clock today. The American workers deserve a pay increase.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, my amendment provides that immediately after the House adopts this rule it will bring H.R. 2429 to the House floor for an up or down vote. This bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 after about 2 years. The amendment also phases in coverage of the Federal minimum wage for the Commonwealth of the Northern Marianas.

Mr. Speaker, how long are we going to wait before we start helping American workers and their families? Instead of passing significant legislation week after week, or, even worse, enacting bills to make the richest of this Nation even richer, when are we going to do something that is meaningful for the average American worker? It is simply disgraceful that less than 1 month ago we passed yet another massive tax break for our Nation's multimillionaires, but failed to help those American families who earn the least. In fact, the leadership of this House actually blocked consideration of a bill that contained an increase in the minimum wage. The leadership of this House actually and affirmatively went out there and blocked a bill that contained an increase in the minimum wage.

It is getting harder and harder and harder every day for those making at or near minimum wage to make ends meet. It doesn't take a genius to figure out that paying $3 or more for a gallon of gas by itself can eat up a $5.15-an-hour paycheck. And we all know that, when gas prices increase, it has a ripple effect throughout the country, increasing costs for food and other necessities in life.

Mr. Speaker, just yesterday The Washington Post reported on a new study that shows that in the Washington, D.C. area, wages are rising more than twice as fast for highly paid employees as they are for workers. These people need our help, and they need it immediately. Let's not allow any more time to go by before we do the right thing and adopt an immediate increase in the minimum wage. Let's show the American people that we are looking out for their best interests. And we can do this today, Mr. Speaker, if we vote down the previous question and amend the rule.

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

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

Mr. GINGREY. Mr. Speaker, I rise again in support of this rule and in recognition of the importance of this underlying bill. I want to again commend Chairman OXLEY and Chairman SENSENBRENNER for their stewardship of the bill, as well as Representatives LEACH and GOODLATTE, the sponsors of the bill.

H.R. 4411 goes a long way to modernize and clarify existing law, to turn back the tide of offshore Internet gambling sites that penetrate our borders and computers across this country with virtually no legal oversight. These organizations have the ability to prey on children as well as those citizens who suffer from a gambling addiction, and they must be stopped.

Mr. Speaker, H.R. 4411 does a very good job of getting at the root of the problem and targeting those organizations that enable this illicit activity by tightening legal definitions and toughening the penalties for violations. This bill achieves these ends while also preserving the rights of our States and their regulatory powers. So for the sake of minors who might be lured into gambling, and, in truth, citizens of all ages, I want to encourage my colleagues to support both this rule and the underlying bill.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION ON H. RES. 907, RULE FOR H.R. 4411 UNLAWFUL INTERNET GAMBLING ENFORCEMENT 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 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 the one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 214, nays 189, not voting 29, as follows:

[Roll No. 360]

YEAS—214

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)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
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
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
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
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
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
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
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—189

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

NOT VOTING—29

Davis (FL)
Davis, Jo Ann
Dicks
Doyle
Evans
Forbes
Goode
Green (WI)
Gutierrez
Hinchey
Hinojosa
Hyde
Istook
Jenkins
Jones (OH)
Kelly
McNulty
Miller (NC)
Nussle
Owens
Radanovich
Rangel
Sessions
Slaughter
Smith (NJ)
Strickland
Sullivan
Tiahrt
Wexler

□ 1210

Mr. PALLONE changed his 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 (Mr. REHBERG). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER POSTPONEMENT OF FURTHER CONSIDERATION OF H.R. 4411, INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 4411, pursuant to House Resolution 907, notwithstanding the ordering of the previous question, it may be in order at any time for the Chair to postpone further consideration of the bill until a later time to be designated by the Speaker.

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

There was no objection.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4411.

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

There was no objection.

INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

Mr. OXLEY. Mr. Speaker, pursuant to House Resolution 907, I call up the bill (H.R. 4411) to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4411

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 ''Unlawful Internet Gambling Enforcement Act of 2005''.

SEC. 2. PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 53 of title 31, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

''§ 5361. Congressional findings and purpose

''(a) FINDINGS.—The Congress finds the following:

''(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

''(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites.

''(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

''(4) New mechanisms for enforcing gambling laws on the Internet are necessary because traditional law enforcement mechanisms are often inadequate for enforcing gambling prohibitions or regulations on the Internet, especially where such gambling crosses State or national borders.

''(b) RULE OF CONSTRUCTION.—No provision of this subchapter shall be construed as altering, limiting, or extending any Federal or State law or Tribal-State compact prohibiting, permitting, or regulating gambling within the United States.

''§ 5362. Definitions

''In this subchapter, the following definitions shall apply:

''(1) BET OR WAGER.—The term 'bet or wager'—

''(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

''(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

''(C) includes any scheme of a type described in section 3702 of title 28;

''(D) includes any instructions or information pertaining to the establishment or movement of funds by the bettor or customer in, to, or from an account with the business of betting or wagering; and

''(E) does not include—

''(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

''(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

''(iii) any over-the-counter derivative instrument;

''(iv) any other transaction that—

''(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

''(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

''(v) any contract of indemnity or guarantee;

''(vi) any contract for insurance;

''(vii) any deposit or other transaction with an insured depository institution; or

''(viii) any participation in a simulation sports game, an educational game, or a contest, that—

''(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

''(II) has an outcome that reflects the relative knowledge of the participants, or their skill at physical reaction or physical manipulation (but not chance), and, in the case of a simulation sports game, has an outcome that is determined predominantly by accumulated statistical results of sporting events; and

''(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants.

''(2) BUSINESS OF BETTING OR WAGERING.—The term 'business of betting or wagering' does not include a financial transaction provider, or any interactive computer service or telecommunications service.

''(3) DESIGNATED PAYMENT SYSTEM.—The term 'designated payment system' means any system utilized by a financial transaction provider that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

''(4) FINANCIAL TRANSACTION PROVIDER.—The term 'financial transaction provider' means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

''(5) INTERNET.—The term 'Internet' means the international computer network of interoperable packet switched data networks.

''(6) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' has the same meaning as in section 230(f) of the Communications Act of 1934.

''(7) RESTRICTED TRANSACTION.—The term 'restricted transaction' means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5363 which the recipient is prohibited from accepting under section 5363.

''(8) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(9) UNLAWFUL INTERNET GAMBLING.—

''(A) IN GENERAL.—The term 'unlawful Internet gambling' means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State or Tribal lands in which the bet or wager is initiated, received, or otherwise made.

''(B) INTRASTATE TRANSACTIONS.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager where—

''(i) the bet or wager is initiated and received or otherwise made exclusively within a single State;

''(ii) the bet or wager and the method by which the bet or wager is initiated and received or otherwise made is expressly authorized by and placed in accordance with the laws of such State, and the State law or regulations include—

''(I) age and location verification requirements reasonably designed to block access to minors and persons located out of such State; and

''(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with such State's law or regulations; and

''(iii) the bet or wager does not violate any provision of the—

''(I) Interstate Horseracing Act;

''(II) Professional and Amateur Sports Protection Act;

''(III) Gambling Devices Transportation Act; or

''(IV) Indian Gaming Regulatory Act.

''(C) INTRATRIBAL TRANSACTIONS.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager where—

''(i) the bet or wager is initiated and received or otherwise made exclusively—

''(I) within the Indian lands of a single Indian tribe (as those terms are defined by the Indian Gaming Regulatory Act); or

''(II) between the Indian lands of 2 or more Indian tribes to the extent that intertribal gaming is authorized by the Indian Gaming Regulatory Act;

''(ii) the bet or wager and the method by which the bet or wager is initiated and received or otherwise made is expressly authorized by and complies with the requirements of—

''(I) the applicable tribal ordinance or resolution approved by the Chairman of the National Indian Gaming Commission; and

''(II) with respect to class III gaming, the applicable Tribal-State Compact;

''(iii) the applicable tribal ordinance or resolution or Tribal-State compact includes—

''(I) age and location verification requirements reasonably designed to block access to minors and persons located out of the applicable Tribal lands; and

''(II) appropriate data security standards to prevent unauthorized access by any person whose age and current location has not been verified in accordance with the applicable tribal ordinance or resolution or Tribal-State Compact; and

''(iv) the bet or wager does not violate any provision of the—

''(I) Interstate Horseracing Act;

''(II) the Professional and Amateur Sports Protection Act;

''(III) the Gambling Devices Transportation Act; or

''(IV) the Indian Gaming Regulatory Act.

''(D) INTERSTATE HORSERACING.—The term 'unlawful Internet gambling' shall not include placing, receiving, or otherwise transmitting a bet or wager that is governed by and complies with the Interstate Horseracing Act of 1978.

''(E) INTERMEDIATE ROUTING.—The intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

''(10) OTHER TERMS.—

''(A) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

''(B) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

''(i) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

''(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

''(C) FINANCIAL INSTITUTION.—The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

''(D) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution'—

''(i) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

''(ii) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

''(E) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations issued by the Secretary thereunder).

''§ 5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling

''No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

''(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

''(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

''(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

''(4) the proceeds of any other form of financial transaction, as the Secretary may prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

''§ 5364. Policies and procedures to identify and prevent restricted transactions

''(a) REGULATIONS.—Before the end of the 270-day period beginning on the date of the enactment of this subchapter, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring each designated payment system, and all participants therein, to identify and prevent restricted transactions through the establishment of policies and procedures reasonably designed to identify and prevent restricted transactions in any of the following ways:

''(1) The establishment of policies and procedures that—

''(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

''(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

''(2) The establishment of policies and procedures that prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

''(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary shall—

''(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify, block, or prevent the acceptance of the products or services with respect to each type of restricted transaction;

''(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

''(3) consider exempting restricted transactions from any requirement imposed under such regulations, if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions.

''(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

''(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

''(A) identify and block restricted transactions; or

''(B) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

''(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

''(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that is subject to a regulation prescribed or order issued under this subchapter and blocks, or otherwise refuses to honor a transaction—

''(1) that is a restricted transaction;

''(2) that such person reasonably believes to be a restricted transaction; or

''(3) as a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a),

shall not be liable to any party for such action.

''(e) REGULATORY ENFORCEMENT.—The requirements of this section shall be enforced exclusively by the Federal functional regulators and the Federal Trade Commission, in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act.

''§ 5365. Civil remedies

''(a) JURISDICTION.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this subchapter by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this subchapter.

''(b) PROCEEDINGS.—

''(1) INSTITUTION BY FEDERAL GOVERNMENT.—

''(A) IN GENERAL.—The United States, acting through the Attorney General, may institute proceedings under this section to prevent or restrain a violation or a threatened violation of this subchapter.

''(B) RELIEF.—Upon application of the United States under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

''(2) INSTITUTION BY STATE ATTORNEY GENERAL.—

''(A) IN GENERAL.—The attorney general (or other appropriate State official) of a State in which a violation of this subchapter allegedly has occurred or will occur may institute proceedings under this section to prevent or restrain the violation or threatened violation.

''(B) RELIEF.—Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation or threatened violation of this subchapter, in accordance with rule 65 of the Federal Rules of Civil Procedure.

''(3) INDIAN LANDS.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), for a violation of this subchapter that is alleged to have occurred, or may occur, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act)—

''(i) the United States shall have the enforcement authority provided under paragraph (1); and

''(ii) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming

Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

''(B) RULE OF CONSTRUCTION.—No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act.

''(c) EXPEDITED PROCEEDINGS.—In addition to any proceeding under subsection (b), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this subchapter, upon application of the United States under subsection (b)(1), or the attorney general (or other appropriate State official) of an affected State under subsection (b)(2), in accordance with rule 65(b) of the Federal Rules of Civil Procedure.

''(d) LIMITATION RELATING TO INTERACTIVE COMPUTER SERVICES.—

''(1) IN GENERAL.—Relief granted under this section against an interactive computer service shall—

''(A) be limited to the removal of, or disabling of access to, an online site violating this subchapter, or a hypertext link to an online site violating this subchapter, that resides on a computer server that such service controls or operates, except that the limitation in this subparagraph shall not apply if the service is subject to liability under this section under section 5367;

''(B) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

''(C) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating this subchapter;

''(D) specify the interactive computer service to which it applies; and

''(E) specifically identify the location of the online site or hypertext link to be removed or access to which is to be disabled.

''(2) COORDINATION WITH OTHER LAW.—An interactive computer service that does not violate this subchapter shall not be liable under section 1084(d) of title 18, except that the limitation in this paragraph shall not apply if an interactive computer service has actual knowledge and control of bets and wagers and—

''(A) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

''(B) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

''(e) LIMITATION ON INJUNCTIONS AGAINST REGULATED PERSONS.—Nothwithstanding any other provision of this section, and subject to section 5367, no provision of this subchapter shall be construed as authorizing the Attorney General of the United States, or the attorney general (or other appropriate State official) of any State to institute proceedings to prevent or restrain a violation or threatened violation of this subchapter against any financial transaction provider with respect to the designated payment system (or systems) of the financial transaction provider.

''§ 5366. Criminal penalties

''(a) IN GENERAL.—Whoever violates section 5363 shall be fined under title 18, or imprisoned for not more than 5 years, or both.

''(b) PERMANENT INJUNCTION.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

''§ 5367. Circumventions prohibited

''Notwithstanding section 5362(2), a financial transaction provider, or any interactive computer service or telecommunications service, may be liable under this subchapter if such person has actual knowledge and control of bets and wagers, and—

''(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

''(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made, or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

''5361. Congressional findings and purpose.
''5362. Definitions.
''5363. Prohibition on acceptance of any financial instrument for unlawful Internet gambling.
''5364. Policies and procedures to identify and prevent restricted transactions.
''5365. Civil remedies.
''5366. Criminal penalties.
''5367. Circumventions prohibited.''.

SEC. 4. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

The SPEAKER pro tempore. In lieu of the amendments recommended by the Committees on Financial Services and the Judiciary printed in the bill, the amendment in the nature of a substitute depicted in the Rules Committee Print dated July 5, 2006, is adopted. Pursuant to House Resolution 907, the bill, as amended, is considered read.

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Internet Gambling Prohibition and Enforcement Act''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—MODERNIZATION, OF THE WIRE ACT OF 1961

Sec. 101. Definitions.
Sec. 102. Modification of existing prohibition.
Sec. 103. Authorization of civil enforcement.
Sec. 104. Authorization of appropriations.
Sec. 105. Rules of construction.
Sec. 106. Sense of Congress.

TITLE II—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL, GAMBLING

Sec. 201. Policies and procedures required to prevent payments for unlawful gambling.
Sec. 202. Technical and conforming amendment.

TITLE III—INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS

Sec. 301. Internet gambling in or through foreign jurisdictions.

TITLE I—MODERNIZATION OF THE WIRE ACT OF 1961

Sec. 101. DEFINITIONS.

Section 1081 of title 18, United States Code, is amended—

(1) by designating the five undesignated paragraphs that begin with ''The term'' as paragraphs (1) through (5), respectively;

(2) by amending paragraph (5), as so designated, to read as follows:

''(5) The term 'communication facility' means any and all instrumentalities, personnel, and services (among other things, the receipt, forwarding, or delivery of communications) used or useful in the transmission of writings, signs, pictures, and sounds of all kinds by aid of wire, cable, radio, or an electromagnetic, photoelectronic or photooptical system, or other like connection (whether fixed or mobile) between the points of origin and reception of such transmission.''; and

(3) by adding at the end the following:

''(6) The term 'bets or wagers'—

''(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game predominantly subject to chance, upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome;

''(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

''(C) includes any scheme of a type described in section 3702 of title 28; and

''(D) does not include—

''(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of that Act);

''(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade under the Commodity Exchange Act;

''(iii) any over-the-counter derivative instrument;

''(iv) any other transaction that—

''(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

''(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

''(v) any contract of indemnity or guarantee;

''(vi) any contract for insurance;

''(vii) any deposit or other transaction with an insured depository institution;

''(viii) participation in any game or contest in which participants do not stake or risk anything of value other than—

''(I) personal efforts of the participants in playing the game or contest or obtaining access to the Internet; or

''(II) points or credits that the sponsor of the game or contest provides to participants free of charge and that can be used or redeemed only for participation in games or contests offered by the sponsor; or

''(ix) participation in any fantasy or simulation sports game or educational game or contest in which (if the game or contest involves a team or teams) no fantasy or simulation sports team is based on the current membership of an actual team that is a member of an amateur or professional sports organization (as those terms are defined in section 3701 of title 28) and that meets the following conditions:

''(I) All prizes and awards offered to winning participants are established and made known to the participants in advance of the game or contest and their value is not determined by the number of participants or the amount of any fees paid by those participants.

''(II) All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals (athletes in the case of sports events) in multiple real-world sporting or other events.

''(III) No winning outcome is based—

''(aa) on the score, point-spread, or any performance or performances of any single real-world team or any combination of such teams; or

''(bb) solely on any single performance of an individual in any single real-world sporting or other event.

''(7) The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

''(8) The term 'electronic fund transfer'—

''(A) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that would otherwise be excluded under section 903(6)(E) of that Act; and

''(B) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

''(9) The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

''(10) The term 'financial transaction provider' has the same meaning as in section 5361 of title 31 (as added by title II of this Act).

''(11) The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

''(12) The term 'gambling business' means a business of betting or wagering.

''(13) The term 'information assisting in the placing of bets or wagers' means information knowingly transmitted by an individual in a gambling business that enables or facilitates a bet or wager and does not include—

''(A) any posting or reporting of any educational information on how to make a legal bet or wager or the nature of betting or wagering, as long as such posting or reporting does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal; or

''(B) advertising relating to betting or wagering in a jurisdiction where such betting or wagering is legal, as long as such advertising does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal.

''(14) The term 'insured depository institution'—

''(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

''(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

''(15) The term 'interactive computer service' has the same meaning as in section 230(f) of the Communications Act of 1934.

''(16) The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations prescribed by the Secretary thereunder).

''(17) The terms 'own or control' and to be 'owned or controlled' include circumstances within the meaning of section 2(a)(2) of the Bank Holding Company Act of 1956.

''(18) The term 'person' includes a government (including any governmental entity (as defined in section 3701(2) of title 28)).

''(19) The term 'State' means a State of the United States, the District of Columbia, or a commonwealth, territory, or possession of the United States.

''(20) The term 'tribe' or 'tribal' means an Indian tribe, as defined under section 4(5) of the Indian Gaming Regulatory Act of 1988).

''(21) For purposes of Section 1085(b), the term 'account' means—

''(A) the unpaid balance of money or its equivalent received or held by an insured depository institution in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to an account, including interest credited, or which is evidenced by an instrument on which the depository institution is primarily liable; and

''(B) money received or held by an insured depository institution, or the credit given for money or its equivalent received or held by the insured depository institution in the usual course of business for a special or specific purpose, regardless of the legal relationships established thereby, including escrow funds, funds held as security for securities loaned by the depository institution, funds deposited as advance payment on subscriptions to United States Government securities, and funds held to meet its acceptances.''.

SEC. 102. MODIFICATION OF EXISTING PROHIBITION.

Section 1084 of title 18, United States Code, is amended to read as follows:

''1084. Use of a communication facility to transmit bets or wagers; criminal penalties

''(a) Except as otherwise provided in this section, whoever, being engaged in a gambling business, knowingly—

''(1) uses a communication facility for the transmission in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States, of—

''(A) bets or wagers;

''(B) information assisting in the placing of bets or wagers; or

''(C) a communication, which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers; or

''(2) accepts, in connection with the transmission of a communication in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States of bets or wagers or information assisting in the placing of bets or wagers—

''(A) credit, or the proceeds of credit, extended to or on behalf of another (including credit extended through the use of a credit card);

''(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the other person;

''(C) any check, draft, or similar instrument which is drawn by or on behalf of the other person and is drawn on or payable through any financial institution; or

''(D) the proceeds of any other form of financial transaction as the Secretary of the Treasury and the Board of Governors of the Federal Reserve System may prescribe by regulation which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the other person,

shall be fined under this title or imprisoned not more than five years, or both.

''(b) Nothing in this section prohibits—

''(1) the transmission of information assisting in the placing of bets or wagers for use in news reporting if such transmission does not solicit or provide information for the purpose of facilitating or enabling the placing or receipt of bets or wagers in a jurisdiction where such betting is illegal;

''(2) the transmission of information assisting in the placing of bets or wagers from a State or foreign country where such betting or wagering is permitted under Federal, State, tribal, or local law into a State or foreign country in which such betting on the same event is permitted under Federal, State, tribal, or local law; or

''(3) the interstate transmission of information relating to a State-specific lottery between a State or foreign country where such betting or wagering is permitted under Federal, State, tribal, or local law and an out-of-State data center for the purposes of assisting in the operation of such State-specific lottery.

''(c) Nothing in this section prohibits the use of a communication facility for the transmission of bets or wagers or information assisting in the placing of bets or wagers, if—

''(1) at the time the transmission occurs, the individual or entity placing the bets or wagers or information assisting in the placing of bets or wagers, the gambling business, and, subject to section 1084(b)(3), any individual or entity acting in concert with a gambling business to process the bets or wagers are physically located in the same State, and for class II or class III gaming under the Indian Gaming Regulatory Act, are physically located on Indian lands within that State;

''(2) the State or tribe has explicitly authorized such bets and wagers, the State or tribal law requires a secure and effective location and age verification system to assure compliance with age and location requirements, and the gambling business and any individual or entity acting in concert with a gambling business to process the bets or wagers complies with such law;

''(3) the State has explicitly authorized and licensed the operation of the gambling business and any individual or entity acting in concert with a gambling business to process the bets and wagers within its borders or the tribe has explicitly authorized and licensed the operation of the gambling business and

any individual or entity acting in concert with a gambling business to process the bets and wagers, on Indian lands within its jurisdiction;

''(4) with respect to class II or class III gaming, the game and gambling business complies with the requirements of the Indian Gaming Regulatory Act; and

''(5) with respect to class III gaming under the Indian Gaming Regulatory Act, the game is authorized under, and is conducted in accordance with, the respective Tribal-State compact of the Tribe having jurisdiction over the Indian lands where the individual or entity placing the bets or wagers or information assisting in the placing of bets or wagers, the gambling business, and any individual or entity acting in concert with a gambling business to process those bets or wagers are physically located, and such Tribal-State impact expressly provides that the game may be conducted using a communication facility to transmit bets or wagers information assisting in the placing of bets or wagers.

For purposes of this subsection, the intermediate routing of electronic data constituting or containing all or part of a bet or wager, or all or part of information assisting in the placing of bets or wagers, shall not determine the location or locations in which a bet or wager is transmitted, initiated, received or otherwise made; or from or to which a bet or wager, or information assisting in the placing of bets or wagers, is transmitted.

''(d) Nothing in this section creates immunity from criminal prosecution under any laws of any State or tribe.

''(e) Nothing in this section authorizes activity that is prohibited under chapter 178 of title 28, United States Code.

''(f) When any common carrier, subject to the jurisdiction of the Federal Communications Commission, is notified in writing by a Federal, State, tribal, or local law enforcement agency, acting within its jurisdiction, that any communication facility furnished by it is being used or will be used by its subscriber for the purpose of transmitting or receiving gambling information in interstate or foreign commerce, within the special maritime and territorial jurisdiction of the United States, or to or from any place outside the jurisdiction of any nation with respect to any transmission to or from the United States in violation of Federal, State, tribal, or local law, it shall discontinue or refuse, the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any common carrier for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State, tribal, or local tribunal or agency, that such facility should not be discontinued or removed, or should be restored.''.

SEC. 103. AUTHORIZATION OF CIVIL ENFORCEMENT.

Chapter 50 of title 18, United States Code, is amended by adding at the end the following new section:

§ 1085. Civil remedies

''(a) JURISDICTION.—The district courts of the United States (in addition to any other remedies under current law) shall have original and exclusive jurisdiction to prevent and restrain violations of section 1084 by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under section 1084.

''(b) PROCEEDINGS.—

''(1) The United States may institute proceedings under this section—

''(A) to obtain injunctive or declarative relief, including but not limited to a temporary restraining order and a preliminary injunction, against any person (other than a financial transaction provider) to prevent or restrain a violation or a threatened violation of section 1084;

''(B) in the case of an insured depository institution that is a financial transaction provider, to—

''(i) restrain an account maintained at such insured depository institution if such account is—

''(I) owned or controlled by a gambling business; and

''(II) includes proceeds of, or is used to facilitate a violation of, section 1084; or

''(ii) seize funds in an account described in subparagraph (i) if such funds—

''(I) are owned or controlled by a gambling business; and

''(II) constitute the proceeds of, were derived from, or facilitated, a violation of section 1084.

''(C) The limitation in subparagraph (A) shall not apply if the financial transaction provider is a gambling business within the meaning of section 1081(12), in which case such financial transaction provider shall be subject to the enforcement provisions under subparagraph (A).

''(2) The attorney general (or other appropriate State official) of a State in which a communication in violation of section 1084 allegedly has been or will be initiated or received may institute proceedings under this section to obtain injunctive or declarative relief to prevent or restrain the violation or threatened violation. Upon application of the attorney general (or other appropriate State official) of an affected State under this paragraph, the district court may enter a temporary restraining order, a preliminary injunction, an injunction, or declaratory relief against any person (other than a financial transaction provider) to prevent or restrain a violation or threatened violation of section 1084, in accordance with rule 65 of the Federal Rules of Civil Procedure.

''(3) Notwithstanding paragraphs (1) and (2), for a communication in violation of section 1084 that allegedly has been or will be initiated or received on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act)—

''(A) the United States shall have the enforcement authority provided under paragraph (1);

''(B) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact; and

''(C) if there is no applicable Tribal-State compact, an appropriate tribal official may institute proceedings in the same manner as an attorney general of a State.

No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act.

''(4) Notwithstanding paragraph (3), no relief shall be granted under this section against a financial transaction provider except as provided in paragraph (1).

''(c) No damages, penalty, or forfeiture, civil or criminal, shall be found against any person or entity for any act done in compliance with any notice received from a law enforcement agency.

''(d) Relief granted under this section against an interactive computer service (as defined in section 230(f) of the Communications Act of 1934) shall—

''(1) be limited to the removal of, or disabling of access to, an online site violating section 1084, or a hypertext link to an online site violating such section, that resides on a computer server that such service controls or operates; except this limitation shall not apply if the service is violating section 1084 or is in active concert with a person who is violating section 1084 and receives actual notice of the relief;

''(2) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

''(3) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating section 1084;

''(4) specify the interactive computer service to which it applies; and

''(5) specifically identify the location of the on-line site or hypertext link to be removed or access to which is to be disabled.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

In addition to any other sums authorized to be appropriated for this purpose, there are authorized to be appropriated to the Department of Justice for each of fiscal years 2007 through 2010 $10,000,000 for investigations and prosecutions of violations of section 1084 of title 18, United States Code.

SEC. 105. RULES OF CONSTRUCTION.

(a) Nothing in this Act may be construed to prohibit any activity that is allowed under Public Law 95–515 as amended (15 U.S.C. 3001 et seq.).

(b) Nothing in this Act may be construed to preempt State law prohibiting gambling.

SEC. 106. SENSE OF CONGRESS.

It is the sense of Congress that this Act does not change which activities related to horse racing may or may not be allowed under Federal law. Section 105 is intended to address concerns that this Act could have the effect of changing the existing relationship between the Interstate Horseracing Act (15 U.S.C. 3001 et seq.), and other Federal statutes that were in effect at the time of this Act's consideration; this Act is not intended to change that relationship; and this Act is not intended to resolve any existing disagreements over how to interpret the relationship between the Interstate Horseracing Act and other Federal statutes.

TITLE II—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

SEC. 201. POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING.

Chapter 53 of title 31, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

''§ 5361. Definitions

''For purposes of this subchapter, the following definitions shall apply:

''(1) CREDIT; CREDITOR; CREDIT CARD; AND CARD ISSUER.—The terms 'credit', 'creditor', 'credit card', and 'card issuer' have the same meanings as in section 103 of the Truth in Lending Act.

''(2) DESIGNATED PAYMENT SYSTEM.—The term 'designated payment system' means any system utilized by a financial transaction provider that the Secretary and the Board of Governors of the Federal Reserve System, in consultation with the Attorney General, jointly determine, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

''(3) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

''(A) has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term includes transfers that

would otherwise be excluded under section 903(6)(E) of that Act; and

''(B) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

''(4) FINANCIAL INSTITUTION.—The term 'financial institution' has the same meaning as in section 903 of the Electronic Fund Transfer Act, except that such term does not include a casino, sports book, or other business at or through which bets or wagers may be placed or received.

''(5) FINANCIAL TRANSACTION PROVIDER.—The term 'financial transaction provider' means a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local payment network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or a participant in such network, or other participant in a designated payment system.

''(6) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution'—

''(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

''(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).

''(7) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the same meanings as in section 5330(d) (determined without regard to any regulations prescribed by the Secretary thereunder).

''(8) RESTRICTED TRANSACTION.—The term 'restricted transaction' means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of section 5362 which the recipient is prohibited from accepting under such section.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(10) UNLAWFUL GAMBLING.—

''(A) IN GENERAL.—The term 'unlawful gambling' means to place, receive, or otherwise knowingly transmit a bet or wager by any means which involves the use of a communication facility where such bet or wager is unlawful under any applicable Federal or State law in the State or tribal lands in which the bet or wager is initiated, received, or otherwise made.

''(B) EXCLUSION OF CERTAIN AUTHORIZED TRANSACTIONS.—The term 'unlawful gambling' does not include any intrastate or intratribal transactions authorized under section 1084(c) of title 18, United States Code.

''(C) INTERMEDIATE ROUTING.—With respect to section 5362, the intermediate routing of electronic data shall not determine the location or locations in which a bet or wager is initiated, received, or otherwise made.

''(11) OTHER TERMS.—The terms 'bet or wager', 'communication facility', 'gambling business', 'own and control', 'person', 'State', and 'tribal' have the same meanings as in section 1081 of title 18.

''§ 5362. Prohibition on acceptance of any financial instrument for unlawful gambling

''No person engaged in a gambling business may knowingly accept, in connection with the participation of another person in unlawful gambling—

''(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

''(2) an electronic fund transfer, or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of such other person;

''(3) any check, draft, or similar instrument which is drawn by or on behalf of such other person and is drawn on or payable at or through any financial institution; or

''(4) the proceeds of any other form of financial transaction, as the Secretary and the Board of Governors of the Federal Reserve System may jointly prescribe by regulation, which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of such other person.

''§ 5363. Policies and procedures to identify and prevent restricted transactions

''(a) REGULATIONS.—Before the end of the 270-day period beginning on the date of the enactment of this subchapter, the Secretary and the Board of Governors of the Federal Reserve System, in consultation with the Attorney General, shall prescribe regulations (which the Secretary and the Board jointly determine to be appropriate) requiring each designated payment system, and all participants therein, to identify and block or otherwise prevent or prohibit restricted transactions through the establishment of policies and procedures reasonably designed to identify and block or otherwise prevent or prohibit the acceptance of restricted transactions in any of the following ways:

''(1) The establishment of policies and procedures that—

''(A) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

''(B) block restricted transactions identified as a result of the policies and procedures developed pursuant to subparagraph (A).

''(2) The establishment of policies and procedures that prevent or prohibit the acceptance of the products or services of the payment system in connection with a restricted transaction.

''(b) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations under subsection (a), the Secretary and the Board of Governors of the Federal Reserve System shall—

''(1) identify types of policies and procedures, including nonexclusive examples, which would be deemed, as applicable, to be reasonably designed to identify and block or otherwise prevent or prohibit the acceptance of the products or services with respect to each type of restricted transaction;

''(2) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing or prohibiting the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

''(3) consider exempting certain restricted transactions or designated, payment systems from any requirement imposed under such regulations, if the Secretary and the Board jointly find that it is not reasonably practical to identify and block, or otherwise prevent or prohibit the acceptance of, such transactions.

''(c) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A financial transaction provider shall be considered to be in compliance with the regulations prescribed under subsection (a), if—

''(1) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

''(A) identify and block restricted transactions; or

''(B) otherwise prevent or prohibit the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

''(2) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under subsection (a).

''(d) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that identifies and blocks a transaction, prevents or prohibits the acceptance of its products or services in connection with a transaction, or otherwise refuses to honor a transaction—

''(1) that is a restricted transaction;

''(2) that such person reasonably believes to be a restricted transaction; or

''(3) as a designated payment system or a member of a designated payment system in reliance on the policies and procedures of the payment system, in an effort to comply with regulations prescribed under subsection (a),

shall not be liable to any party for such action.

''(e) REGULATORY ENFORCEMENT.—The requirements of this subchapter shall be enforced exclusively by—

''(1) the Federal functional regulators, with respect to the designated payment systems and financial transaction providers subject to the respective jurisdiction of such regulators under section 505(a) of the Gramm-Leach-Bliley Act and section 5g of the Commodities Exchange Act; and

''(2) the Federal Trade Commission, with respect to designated payment systems and financial transaction providers not otherwise subject to the jurisdiction of any Federal functional regulators (including the Commission) as described in paragraph (1).''.

SEC. 202. TECHNICAL AND CONFORMING AMENDMENT.

The table of sections for chapter 53 of title 31, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL GAMBLING

''5361. Definitions.

''5362. Prohibition on acceptance of any financial instrument for unlawful gambling.

''5363. Policies and procedures to identify and prevent restricted transactions.''.

TITLE III—INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS

SEC. 301. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering purposes.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress on any deliberations between the United States and other countries on issues relating to Internet gambling.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended,

it shall be in order to consider the further amendment printed in House Report 109–551, if offered by the gentlewoman from Nevada (Ms. BERKLEY) or her designee, which shall not be subject to a demand for division of the question, shall be considered read, and shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Ohio (Mr. OXLEY), the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Michigan (Mr. CONYERS) each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today in support of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act. This bill represents the combined efforts of my esteemed colleagues, Chairmen BOB GOODLATTE and JIM LEACH, who have crafted an effective piece of legislation to finally stop the illegal Internet gambling we have worked against for so many years.

The Goodlatte-Leach bill combines two complementary approaches. First, it cuts off the flow of money to Internet gambling Web sites. These Web sites, almost always located on some far-flung Caribbean island, will no longer be allowed to accept bettors' credit cards, fund transfers, or checks drawn on American banks.

Secondly, H.R. 4411 clarifies that the 45-year-old Wire Act covers illegal Internet gambling. As a former FBI agent, I can attest to the fact that the Wire Act is an effective tool in stopping crime, and this bill will help us make better use of it.

Illegal Internet gambling is bad for a number of important reasons. Experts at the FBI and Justice Department have warned that these sites are often fronts for money laundering, drug trafficking and terrorist financing. Internet gambling sites evade U.S.-based regulations that ensure the integrity of casino games, prevent minors from gambling, and puts in safeguards for problem gamblers.

Because these businesses are located overseas, they provide no tax revenues, provide no U.S. jobs, all the while evading Federal and State law enforcement. Unlike legal gambling here in the United States, no enforcement mechanism exists to ensure that individuals are protected against these overseas Internet gambling sites. And with no age verification, savvy online gambling sites are preying on minors and young adults.

This Internet gambling bill is a culmination of a decade of hard work by Chairmen GOODLATTE and LEACH. I would also like to commend the efforts of Mr. BACHUS, Mr. WOLF, Mr. PITTS, Ms. HOOLEY, and Mrs. KELLY, just to name a few. With their help, we have passed several versions of this legislation in the House. I remain hopeful that the Senate will be able to do the same and we can once and for all give the banking regulators and the Justice Department the tools they need to stop illegal Internet gambling.

□ 1215

In the meantime, I strongly urge my colleagues to support the Goodlatte-Leach bill.

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

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

Mr. Speaker, I rise in support of H.R. 4411, the Internet Gambling Prohibition Act.

I would like to thank Mr. LEACH and Mr. GOODLATTE for their hard work on bringing this bill to the House floor. It certainly has not been an easy task.

I would like to thank Mr. FRANK, our ranking member on the Financial Services Committee, for the opportunity to manage this debate. Even though he and I do not see eye to eye on this legislation, I appreciate and respect the fact that we have agreed to disagree, and I welcome a healthy debate on enforcement of the illegal Internet gambling laws.

Internet gambling is a growing problem in the United States, particularly among young people and college students. It is known to destroy families, marriages and entire lives. As so aptly put by University of Illinois Professor John Kindt, ''You just click the mouse and lose your house.''

This legislation makes clear that we are serious about enforcing our Internet gambling laws that are already on the books. It takes a very important step forward, and we have worked very hard on the Financial Services Committee over the last few Congresses to advance this measure.

This bill cuts off the flow of money to Internet gambling Web sites by regulating payment systems. The Department of Treasury and the Federal Reserve will jointly develop policies and procedures for identifying and preventing financial transactions related to illegal Internet gambling. Payment systems will be required to comply with these regulations.

Even when criminal law cannot be enforced, the Federal Government's jurisdiction over financial systems can nevertheless cut off the money sources for these illegal businesses.

I believe we should mean what we say when it comes to Internet gambling. If we are to keep laws on the books that prohibit Internet gambling, then we should take steps to enforce it. And by cutting off the flow of money, we can accomplish just that.

As was previously noted, this bill is supported by 48 of the 50 State attorneys general, by the NCAA, the NBA, the NFL, the MLB and the NHL. It is a good bill and a commonsense approach to a growing problem. I urge my colleagues to end the flow of money to illegal Internet gambling Web sites, and I urge passage of this bill.

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

The SPEAKER pro tempore. Without objection, the gentleman from Iowa may control the time of the gentleman from Ohio.

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself 3¼ minutes.

Mr. Speaker, for nearly a decade, many in the Congress have sought to deter Internet gambling. But time and again the issue has been stymied, often in ways that reflect imperfectly on this institution. But it cannot be stressed enough that from a macroeconomic perspective, there are no social benefits for Internet gambling, and from a microfamily perspective, enormous harm is frequently inflicted.

John Kindt, a professor of business at the University of Illinois at Urbana-Champaign calls the Internet ''crack cocaine for gamblers. There are no needle marks,'' he says. ''There is no alcohol on the breath. You just click the mouse and lose your house.''

These comments could not be more apropos than for Greg Hogan, Jr., a 19-year old Lehigh University class president and chaplain's assistant from Barberton, Ohio. This pastor's son gambled away $7,500 playing online Texas Hold-'Em, then confessed to robbing a bank to try to recover his losses. His life is ruined.

Never before has it been so easy to lose so much money, so quickly, at such a young age. Internet casinos are proliferating. Soon they will be ubiquitous.

In the next 5 years, if Congress does not act to clarify and enforce the laws banning Internet gambling, and if Internet casinos' business plans come to pass, gamblers will be able to place bets not just from their home computers but also from their cell phones, while they drive from work, or from their BlackBerrys as they wait in line at the movies.

Mr. Speaker, the time has come for Congress to finally deal with the subject matter. The measure before us, H.R. 4411, is supported by the NCAA, all the major professional sports organizations, from the NFL and Major League Baseball to the NBA and NHL, as well as the financial services industry, family groups, religious organizations and 48 of the 50 State attorneys general.

The reason the sports groups support the legislation, as our colleague, TOM OSBORNE, so thoughtfully noted, is that they are concerned with the integrity of the games.

The reason the religious community has come together is that they are concerned for the unity of the American family. Internet gambling is not a subject touched upon in the Old or New Testament or the Koran or the Bhagavad Gita. But the pastoral function is one of dealing with families in difficulty. And religious leaders of all denominations and faiths are seeing gambling difficulties erode family values.

It will be suggested in this debate that there is no call to rein in activities of individual choice. But it should be clear that in the history of the Western world, whenever gambling has been legalized it has been subject to careful regulation. This is simply not the case with the Internet. Nor is it the case that an individual's misjudgment does not affect society as a whole.

There is nothing in Internet gambling that adds to the GDP or makes America more competitive in the world. Indeed, if an individual cannot repay his or her debt, neighbors will be subject to higher interest rates. Everyone loses if this industry continues its remarkable growth.

While Congress has failed to act, the illegal Internet gambling industry has boomed. This year, Americans are projected to send more than $6 billion to unregulated, offshore, online casinos, half of the $12 billion that will be bet worldwide on Internet gambling, FBI and Justice Department experts have warned that Internet gambling sites are vulnerable to be used for money laundering, drug trafficking and even terrorist financing. Further, these sites evade rigorous U.S.-based regulations that control gambling by minors and problem gamblers, and ensure the integrity of the games.

Internet gambling's characteristics are unique: online players can gamble 24 hours a day from home; children may play without sufficient age verification; and betting with a credit card can undercut a player's perception of the value of cash, leading to addiction, bankruptcy and crime. Unlike in brick-and-mortar casinos in the United States where legal protections for bettors exist and where there is some compensatory social benefit in jobs and tax revenues, Internet gambling sites principally yield only liabilities to America and to Americans.

H.R. 4411 was introduced to provide federal and state governments strong tools to enforce existing gambling prohibitions. It would crack down on illegal gambling by clarifying that the Wire Act covers all forms of interstate gambling and would account for new technologies. Designed to cut the money flow from gamblers to Internet gambling sites, the bill would enhance criminal penalties for gambling businesses settling Internet wagers with financial instruments such as credit cards, checks, or fund transfers. It would also require payment systems to establish procedures for blocking these transactions.

Internet gambling has become as much a part of the college experience as late-night study sessions and rooting for the football team. Researchers have called gambling online addictive. Players attest to becoming obsessed with it. The activity is illegal, but the law is not being forced.

According to a study by the Annenberg Public Policy Center, nearly 10 percent of college students gambled online last year. They play in their dorm rooms, in library lounges, in class. The number of college males who reported gambling online once a week or more quadrupled in the last year alone.

Finally, a note about horseracing. In 1978, Congress passed the Interstate Horseracing Act (IHA) to set forth the rights and responsibilities applicable to interstate wagering on horseracing, to affirm that States have primary responsibility for regulating gambling within their borders, and to prevent States from interfering with the gambling policies of other States. In 2000, Congress amended the IHA to clarify that the statute applied to the transmission of interstate off-track wagers via telephone or other electronic media.

The Executive Branch has taken the position that the 1961 Wire Act overrides the IHA, even though the IHA is a more recent statute, because neither statute expressly exempts IHA transactions from the Wire Act. The horseracing industry vigorously disagrees. H.R. 4411 has been very carefully drafted to maintain the status quo regarding horseracing, preserving the ability of the Executive Branch and the horseracing industry to litigate the proper interpretation of these two statutes. The text of the bill is clear: "this Act does not change which activates related to horseracing may or may not be allowed under Federal law." To the degree this act provides new definitional standards, it bolsters rather than diminishes the Justice Department's latitude.

Bills of this nature are always controversial and subject to intense lobbying by powerful interests. I believe the approach on the table represents the only credible initiative likely to be considered in the foreseeable future. I urge support for this important legislation.

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

Ms. HOOLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member on the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I strongly disagree with the gentleman from Iowa with whom I often agree. I don't disagree with him entirely. I will stipulate that there is nothing in the Bagavagida about gambling. But other than that, I don't think he got much right.

He says that gambling on the Internet does not add to the GDP or make America competitive. Has it become the role of this Congress to prohibit any activity that an adult wants to engage in voluntarily if it doesn't add to the GDP or make us more competitive?

What kind of social, cultural authoritarianism are we advocating here?

Now, I agree there is a practice around today that causes a lot of problems, damages families, people lose their jobs, they get in debt. They do it to excess. It is called drinking. Are we going to go back to Prohibition? Prohibition didn't work for alcohol; it doesn't work for gambling.

When people abuse a particular practice, the sensible thing is to try to deal with the abuse, not outlaw it.

By the way, this bill allows certain kinds of Internet gambling to stay, so apparently the notion is that those few people who are obsessive and addicted will not take advantage of those forms which are still available to them.

But the fundamental point is this. If an adult in this country, with his or her own money, wants to engage in an activity that harms no one, how dare we prohibit it because it doesn't add to the GDP or it has no macroeconomic benefit. Are we all to take home calculators and, until we have satisfied the gentleman from Iowa that we are being socially useful, we abstain from recreational activities that we choose?

This Congress is well on the way to getting it absolutely backwards. In areas where we need to act together to protect the quality of our life, in the environment, in transportation, in public safety, we abstain; but in those areas where individuals ought to be allowed to make their own choices, we intervene. And that is what this is.

Now, people have said, well, some students abuse it. We should work to try to diminish abuse. But if we were to outlaw for adults everything that college students abuse, we would all just sit home and do nothing.

By the way, credit card abuse among students is a more serious problem, I believe, than gambling. Maybe gambling will catch up. But we have heard many, many stories about young people who have credit cards that they abuse. Do we ban credit cards for them?

But here is the fundamental issue. Shouldn't it be the principle in this government that the burden of proof is on those who want to prohibit adults from their own free choices to show that they are harming other people?

We ought to say that, if you decide with your own money to engage in an activity that harms no one else, you ought to be allowed to do it. And once you say, oh, no, but that doesn't add to the GDP, and that can lead to some problems in families, then this is hardly the only thing you will end up banning.

The fundamental principle of the autonomy of the individual is at stake today.

Now, I have to say, I understand a lot of the conservatives don't like it because there are people on the religious side who don't like it. Some of my liberal friends, I think, are being very inconsistent. We are for allowing a lot of things. I mean, many of us vote to say, You can burn the flag; I wish you wouldn't, but you can. It shouldn't be a crime.

You can look at certain things on television that maybe other people think you shouldn't. You can do other things but you can't gamble. There is a fundamental inconsistency there.

I guess people think gambling is tacky. They don't like it. Well, fine, then don't do it. But don't prohibit other individuals from engaging in it.

People have said, What is the value of gambling? Here is the value. Some human beings enjoy doing it. Shouldn't that be our principle? If individuals like doing something and they harm no one, we will allow them to do it, even if other people disapprove of what they do.

And it is, of course, likely to be ineffective. The best thing that ever happens to illegal gamblers is when you do a measure like this.

I hope the bill is defeated.

Mr. LEACH. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I rise today in support of H.R. 4411, which is the Internet Gambling Prohibition and Enforcement Act. Gambling in any form, especially Internet gambling, is especially dangerous to children. Because these illegal Web sites lack reliable age verification tools, children of any age can access the sites and begin gambling.

For adults, these sites encourage gambling addiction with their ease of access, especially with regard to how easy it is to use credit cards.

I would like to be clear for the record, Mr. Speaker. I oppose the expansion of gambling in all forms. I have been a long-time opponent of gambling. I have cosponsored tough enforcement measures in the past, including increased criminal penalties and support for international anti-money-laundering efforts.

Today's bill includes those measures and takes a strong step to curtail those dangerous sites by cutting off their source of funding. It is an important step toward eradicating this threat and ensuring the safety of our children and our communities.

Mr. Speaker, in closing, let me just say, I encourage my colleagues to support this legislation and to vote against the amendment that would be brought up today that would actually gut the results of this legislation.

Ms. HOOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I rise in opposition to this legislation. It is not easy to oppose this legislation because it is assumed that proponents of the bill are on the side of the moral high ground. But there is a higher moral high ground in the sense that protecting liberty is more important than passing a bill that regulates something on the Internet.

The Interstate Commerce Clause originally was intended to make sure there were no barriers between interstate trade. In this case, we are putting barriers up.

I want to make the point that prohibition, as a general principle, is a bad principle because it doesn't work. It doesn't solve the problem because it can't decrease the demand. As a matter of fact, the only thing it does is increase the price. And there are some people who see prohibitions as an enticement, and that it actually increases the demand.

But once you make something illegal, whether it is alcohol or whether it is cigarettes or whether it is gambling on the Internet, it doesn't disappear because of this increased demand. All that happens is, it is turned over to the criminal element. So you won't get rid of it.

Sometimes people say that this prohibition that is proposed is designed to protect other interests because we certainly aren't going to get rid of gambling, so we might get rid of one type of gambling, but actually enhance the other.

But one of the basic principles, a basic reason why I strongly oppose this is, I see this as a regulation of the Internet, which is a very, very dangerous precedent to set.

To start with, I can see some things that are much more dangerous than gambling. I happen to personally strongly oppose gambling. I think it is pretty stupid, to tell you the truth.

But what about political ideas? What about religious fanaticism? Are we going to get rid of those? I can think of 1,000 things worse coming from those bad ideas. But who will come down here and say, Just think of the evil of these bad ideas and distorted religions, and therefore we have to regulate the Internet?

H.R. 4411, the Internet Gambling Prohibition and Enforcement Act, should be rejected by Congress since the Federal Government has no constitutional authority to ban or even discourage any form of gambling.

In addition to being unconstitutional, H.R. 4411 is likely to prove ineffective at ending Internet gambling. Instead, this bill will ensure that gambling is controlled by organized crime. History, from the failed experiment of prohibition to today's futile "war on drugs," shows that the government cannot eliminate demand for something like Internet gambling simply by passing a law. Instead, H.R. 4411 will force those who wish to gamble over the Internet to patronize suppliers willing to flaunt the ban. In many cases, providers of services banned by the government will be members of criminal organizations. Even if organized crime does not operate Internet gambling enterprises their competitors are likely to be controlled by organized crime. After all, since the owners and patrons of Internet gambling cannot rely on the police and courts to enforce contracts and resolve other disputes, they will be forced to rely on members of organized crime to perform those functions. Thus, the profits of Internet gambling will flow into organized crime. Furthermore, outlawing an activity will raise the price vendors are able to charge consumers, thus increasing the profits flowing to organized crime from Internet gambling. It is bitterly ironic that a bill masquerading as an attack on crime will actually increase organized crime's ability to control and profit from Internet gambling.

In conclusion, H.R. 4411 violates the constitutional limits on Federal power. Furthermore, laws such as H.R. 4411 are ineffective in eliminating the demand for vices such as Internet gambling; instead, they ensure that these enterprises will be controlled by organized crime. Therefore I urge my colleagues to reject H.R. 4411, the Internet Gambling Prohibition and Enforcement Act.

Mr. LEACH. Mr. Chairman, I yield 2 minutes to a great leader of this particular effort, Mr. BACHUS from Alabama.

□ 1230

Mr. BACHUS. Mr. Speaker, I thank the chairman, and I would like to respond to the gentleman from Texas and the gentleman from Massachusetts and tell you why we need this bill and we need it desperately.

We have been trying to move this legislation for 5 years, and in the 5 years that we have failed to move it, as many as half a million young teenagers have become compulsive gamblers. Now, the Harvard Medical School, the University of South Florida, and the American Psychiatric Association have all told us that the younger someone is exposed to gambling, the younger they start gambling, the more addictive it becomes. In fact, about three times more addictive.

The University of Connecticut did a recent study, and I am going to introduce it for the RECORD, that says Internet gambling is three times as likely to produce a problem gambler. Seventy-four percent of the young people that they surveyed who said they had gambled on the Internet developed a serious addiction.

Now, what happens when they gamble and they get an addiction? McGill University did a study, and they said that teenagers who gamble on the Internet show increased criminal activity, strained family relationships, and depression. Thirty percent of those who became addicted to gambling on the Internet actually attempted suicide. That is why Mr. LEACH talked about the young man who was the class sophomore president at Lehigh University who actually robbed a bank. A 17-year-old who lost a $6,000 bet on the Internet committed suicide. We have got to move against this.

Finally, let me conclude with this: let me tell you what has happened in the past year. According to the University of Pennsylvania, in the last year we have gotten another 150,000 young compulsive gamblers.

It is already illegal. What we are doing is stopping it. You have got the criminals on one side, and you have got young people on the other side; and we must protect the young people from these criminals.

Mr. Speaker, I rise today in strong support of H.R. 4411, the Goodlatte-Leach Internet Gambling Prohibition and Enforcement Act.

I want to begin by thanking Chairmen OXLEY and Sensenbrenner and Congressmen GOODLATTE and LEACH for bringing H.R. 4411 to the Floor today and for their undying determination to put an end to Internet gambling in the United States. H.R. 4411 would help stop the growing threat that Internet gambling poses to the most vulnerable in our society, kids and problem gamblers.

H.R. 4411 provides strong new enforcement mechanisms to stop the offshore casinos that flagrantly violate existing state and federal laws against Internet gambling. This bill enables our financial regulators to prescribe regulations limiting the acceptance of financial instruments for unlawful Internet gambling. In addition, H.R. 4411 amends the Wire Act of 1961 to expressly prohibit illegal online interstate gambling. H.R. 4411 was reported by both the Financial Services and Judiciary Committees. Similar legislation has passed the

House in the previous two Congresses. Now is the time to cut off illegal Internet gambling once and for all.

We have been discussing this issue for years. It has taken way too long. In the time we've been debating this issue, Internet gambling sites have virtually overrun the Internet. Five years ago, there were less than 50 Internet gambling sites. Today, there are more than two thousand sites that will generate upwards of $5.9 billion this year alone, nearly half of the $12 billion bet worldwide on Internet gambling.

Support for our efforts to stop the money flow to illegal gambling sites have been nearly universal, from family and religious groups to anti-gambling groups, from professional sports to college athletics, from major players in the banking and credit card industries to law enforcement and Internet service providers. Mr. Speaker, it is far easier and far quicker to just list who doesn't support our efforts. That would, of course, be the illegal gambling industry itself. They have launched an all-out effort at obfuscation and mischaracterization in hopes of defeating this bill and perpetuating their noxious activities.

The ability of the Internet to penetrate every home and community has both positive and negative consequences. It can be a valuable source of information and a way to communicate quickly with loved ones. But, the Internet can also override community values and standards. Gambling is an excellent example of this. Gambling is currently illegal in the United States unless it is regulated by the states. With the Internet, however, prohibitions against gambling and regulations governing gambling are turned on their head.

The negative effects of gambling have been widely documented. All too often, gambling results in addiction, bankruptcy, divorce, crime and moral decline. Internet gambling magnifies the destructiveness of gambling by bringing the casino into your home. According to an extensive survey done by the University of Connecticut Health Center, 74 percent of those who have used the Internet to gamble have serious problems with addiction, and many of those have resorted to criminal activities to pay for the habit. We heard testimony at one of our hearings that Internet gambling is proving to be a serious problem for many college students. One student reportedly lost $10,000 on Internet sports gambling over a three-month period.

Imagine if you found out that a casino was being built next door to your house, and that they had invited your children to participate in gambling activities. You would probably think that was unacceptable. But Internet gambling Web sites are actually worse than that. Sitting right on the computer desk in your home or in your child's bedroom is a computer with easy access to more than 2,000 Web sites that offer illegal Internet gambling services.

Worse yet, your kids could use your credit card to gamble on the Internet and run you into bankruptcy—without you even knowing it.

In addition, Internet gambling has been linked to terrorists and organized crime. The FBI and the Department of Justice have testified that Internet gambling serves as a vehicle for money laundering that can be exploited by terrorists. These Internet sites—most of which are operated offshore—represent a serious money laundering vulnerability for our country.

So what would H.R. 4411 do?

H.R. 4411 addresses the problem of Internet gambling in four ways:

First, it clarifies that the Wire Act covers all forms of gambling including Internet gambling and increases the maximum penalty for violations of the Wire Act from two to five years in prison.

Second, and most importantly, it cuts off the flow of money to Internet gambling Web sites by regulating the payments system.

The legislation directs the Treasury Department and the Federal Reserve to jointly develop regulations preventing financial transactions related to illegal Internet gambling.

Third, the legislation authorizes State and Federal law enforcement to seek injunctions against persons who facilitate illegal Internet gambling; and

Fourth, the U.S. government through the Treasury Department is exhorted to advance international cooperation in law enforcement efforts against illegal gambling and related money laundering.

Internet gambling is already illegal under Federal and State law, but most of the more than two thousand Internet gambling sites operate from offshore locations. Currently, these "virtual casinos" advertise the ease of opening betting accounts mainly through the use of credit cards. Therefore, they operate beyond the reach of our law. The regulations and anti-money laundering laws that apply to casinos in our country do not apply to these fly-by-night offshore Internet operators. Shutting off the money source is the only way to shut down these illegal Internet gambling Web sites.

In closing, Mr. Speaker, let me just say that a vote for this bill is a vote against illegal Internet gambling. This bill shuts off the money. That is what these people are waiting for, the money. If we shut off the money, we shut off the sites.

My thanks again go to Chairman OXLEY, Chairman SENSENBRENNER, Congressman GOODLATTE and Congressman LEACH for their tireless efforts in moving this bill forward and bringing it to the floor today. I urge all of my colleagues to vote in favor of this legisiation.

DISORDERED GAMBLING AMONG UNIVERSITY-BASED MEDICAL AND DENTAL PATIENTS: A FOCUS ON INTERNET GAMBLING

George T. Ladd and Nancy M. Petry—University of Connecticut Health Center.

The authors evaluated gambling behaviors, including Internet gambling, among patients seeking free or reduced-cost dental or health care. Three hundred eighty-nine patients at university health clinics completed a questionnaire that included the South Oaks Gambling Screen (SOGS; H. R. Lesieur & S. Blume, 1987). All respondents had gambled in their lifetimes, with 70% gambling in the past 2 months. On the basis of SOGS scores, 10.6% were problem gamblers, and 15.4% were pathological gamblers. The most common forms of gambling were lottery, slot machines, and scratch tickets. Internet gambling was reported by 8.1% of participants. Compared to non-Internet gamblers, Internet gamblers were more likely to be younger, non-Caucasian, and have higher SOGS scores. This study is among the first to evaluate the prevalence of Internet gambling and suggests that people who gamble on the Internet are likely to have a gambling problem. Results also illuminate the need to screen patients seeking health care services for gambling problems.

The fourth edition of the Diagnostic and Statistical Manual of Mental Disorders (American Psychiatric Association, 1994) describes pathological gambling as a disorder that involves preoccupation with, tolerance of, and loss of control relating to gambling behaviors. A recent meta-analysis of prevalence rates (Shaffer, Hall, & VanderBilt, 1999) concluded that approximately 1.6% of North American adults may be Level 3 (pathological) gamblers. An additional 3.9% may be Level 2 (problematic) gamblers, bringing the combined percentage of disordered gamblers to more than 5%.

Although prevalence rates in general populations have been described (Shaffer et al. 1999), there is a paucity of studies that have focused on the prevalence of gambling among primary-care patients (Miller, 1996b; Pasternak & Fleming, 1999; Van Es, 2000). As a consequence, health care professionals may not be aware of the impact that gambling behaviors can have on the health of their patients. Health comorbidities found to be associated with pathological gambling include substance abuse, circulatory disease, gastrointestinal distress, sexual dysfunction, anxiety disorders, and depression (Bergh & Kuhlhorn, 1994; Daghestani, 1987b; Lesieur, Blume, & Zoppa, 1986; Miller, 1996a; Pasternak & Fleming, 1999).

This study presents two central opportunities for contribution to the existing body of knowledge about disordered gambling. First, we directed our attention toward gambling behaviors among a subset of the population that seeks free or reduced-cost health care. A second focus of this study was the types of gambling activities in which people engage, with special attention paid to Internet gambling. Many researchers have examined the prevalence of disordered gambling (e.g., Shaffer et al., 1999), but few have presented data on the types of gambling in which individuals participate, and no known published studies have focused on the prevalence of Internet gambling.

METHOD

Participants for this study were drawn from patients seeking treatment at the University of Connecticut Health Center (UCHC) each year. Of the 389 patients included in this study, 76.5% were from UCHC dental clinics, which serve primarily uninsured patients. The remaining 22.5% of participants were from other UCHC medical clinics. The UCHC is located 8 miles southeast of Hartford, Connecticut, and is approximately 65 miles from two large casinos.

Procedures

Questionnaires were left in the waiting areas of various UCHC health and dental clinics for 13 months (8/1/99–9/2/00) along with collection boxes. Approximately 2,000 patients were treated in these clinics during the study period. Signs encouraging questionnaire completion were displayed in these general areas. On occasion, a research assistant would approach patients within clinics and ask them to complete a screen. No patients who were verbally asked to complete a questionnaire refused. Nonresponses were probably a result of failure to notice the signs and questionnaires rather than refusal to participate. An overall average return rate of 85.7% across the UCHC clinics was determined on weeks in which the numbers of screens left out and collected were monitored.

Measures

The 2-page questionnaire consisted of the South Oaks Gambling Screen (SOGS; Lesieur & Blume, 1987) as well as questions regarding demographic information and gambling activities.

Data analysis

We used the SOGS (Lesieur & Blume, 1987) component of the questionnaires to classify

participants as Level I (score of 0–2), Level 2 (score of 3–4), or Level 3 (score >5) gamblers (Lesieur & Heineman, 1988; Shaffer et al., 1999).

We present here the types of participants' gambling activities, along with the frequency and intensity of recent gambling behaviors (past year, past 2 months, and past week) by level of disordered gambling. We compared participants who reported experience with Internet gambling and participants who reported no experience with Internet gambling on demographic variables and SOGS scores. We evaluated differences among the three levels of gamblers, as well as between Internet versus non-Internet gamblers, using the chi-square test for categorical data, analysis of variance for continuous data, and Kruskal-Wallis tests for non-normally distributed continuous data.

RESULTS

Response rates and demographic characteristics of the respondent sample

In total, 402 questionnaires were filled out. Thirteen respondents left many SOGS items unanswered and were thus excluded, leaving 389 questionnaires for further analysis.

Continuum of SOGS scores

Of the respondents, 46.8% scored a 0 on the SOGS, indicative of no problematic gambling behaviors. Additional segments of respondents scored 1 (17.0%) and 2 (10.3%) on the SOGS. Therefore, according to the classification system described by Shaffer et al. (1999), 74.0% of respondents qualified as Level 1 gamblers, and 10.6% of the respondents were classified as Level 2 gamblers, with 6.2% scoring a 3 and 4.4% scoring a 4. The final 15.4% of respondents were classified as Level 3 gamblers, with 6.9% scoring between 5 and 9, 5.7% scoring between 10 and 14, and 2.8% scoring between 15 and 20.

Demographic characteristics

Although no statistically significant group differences were found with regard to gender, the three groups of gamblers differed on other demographic characteristics. Specifically, differences among the groups emerged with respect to age, $F(2, 382) = 8.58$, $p < .01$; ethnicity, X^2 (6, $N = 374$) = 23.01, $p < .001$; marital status, $X^2(8, N = 384) = 18.80$, $p < .001$; education, $X^2(8, N = 376) = 34.45$, $p < .001$; and yearly income, $X^2(6, N = 374) = 12.89$, $p < .05$. Compared to Level 1 gamblers, Level 2 and 3 gamblers were more likely to be younger, of non-Caucasian ethnicity, not married, and have lower levels of education and income.

Gambling participation

All of the respondents reported having gambled in their lifetimes, with 90.0% having gambled within the past year, 70.0% within the past 2 months, and 42.0% within the past week. The most common form of gambling was the lottery, with 89.2% of the total sample having lifetime experience with the lottery. Twenty-five percent of the sample reported weekly or more frequent lottery playing. Slot machines were the next most popular gambling activity, with 81.7% of the sample having lifetime experience, and 6.7% playing slots at least weekly. Scratch tickets were played by 78.7%, with 19.0% of participants playing at least weekly. Card-playing forms of gambling were reported by 70.8%, with 8.7% of participants playing at least weekly. More than half of the participants reported lifetime participation in sports betting (56.9%), bingo (56.0%), and animal betting (52.7%). Lifetime participation in other gambling activities, such as games of skill (40.8%), roulette (37.1%), dice (33.8%), high-risk stocks (23.6%), and video lottery (21.7%) were each reported by only a minority of the total sample.

Internet gambling

Of note is that 8.1% ($n = 31$) of participants reported Internet gambling in their lifetimes, including 3.7% ($n = 14$) who reported gambling on the Internet at least weekly. Demographic and other characteristics of Internet gamblers compared to non-Internet gamblers are shown in Table 1. Age, $F(I, 378) = 17.68$, $p < .01$, and ethnicity, $X^2(3, N = 376) = 17.80$, $p < .001$, were found to differ significantly among participants who reported Internet gambling compared to those who did not. Younger participants were more likely than older participants to have Internet gambling experience. Although non-Caucasian participants represented 15.8% of the total participants, they represented 35.8% of those participants who had experience with Internet gambling.

The comparison of participants with or without Internet gambling experience revealed significant differences in both SOGS scores, $F(1, 382) = 40.79$, $p < .01$, and classified gambling levels, $X^2(2, N = 389) = 63.23$, $p < .001$. Only 22% of participants without any Internet gambling experience were Level 2 or 3 gamblers. In contrast, 74% of participants with Internet gambling experience were classified as Level 2 or 3 gamblers.

DISCUSSION

We examined gambling participation and problems of 389 patients who completed questionnaires at the UCHC medical and dental clinics. When the lifetime rates of 10.6% for Level 2 and 15.4% for Level 3 gamblers are combined, the resulting 26.0% rate of disordered gambling (Levels 2 and 3) in this study far exceeds the 6.7% derived from general population surveys conducted since 1993 (National Gambling Impact Study Commission, 1999; Shaffer et al., 1999).

TABLE I.—DEMOGRAPHIC AND SOUTH OAKS GAMBLING SCREEN (SOGS) SCORING CHARACTERISTICS

Variable	Without internet gambling experience	With internet gambling experience	Total sample
N	351	31	389
Gender (female)	56.7	41.9	54.4
Age (M/SD)	43.5/15.8	31.7/13.6	42.8/16.0
Education level:			
No high school diploma	9.3	20.0	9.8
High school diploma	27.0	36.0	27.9
Some college	23.8	8.0	22.6
College diploma	21.5	20.0	21.3
Postcollege	18.3	16.0	18.4
Ethnicity [a]:			
African American	7.7	12.9	8.3
Caucasian	86.3	61.3	84.2
Hispanic	5.4	22.6	6.7
Other	0.6	0.3	0.8
Marital status:			
Divorced or separated	15.0	19.4	15.1
Living w/partner	10.4	16.1	10.7
Married or remarried	46.7	29.0	45.6
Single	23.6	29.0	24.0
Widowed	4.3	6.5	4.7
Income:			
Under $10K	13.7	22.6	14.4
$10–25K	21.7	22.6	21.4
$25,001–50K	24.7	22.6	24.9
Above $50K	39.9	32.2	39.3
SOGS score (M/SD) [a]	1.8/3.4	7.8/2.0	2.26/4.01
SOGS level [a]:			
Level 1	78.3	25.8	74.0
Level 2	10.5	9.7	10.6
Level 3	11.1	64.5	15.4

Note. All values are percentages unless otherwise indicated.
[a] Groups differ, $p < .001$.

The higher rates of Level 2 and 3 gamblers found in this study may be due to a response bias. Individuals who liked to gamble or who had a problem with gambling may have been more likely to complete the questionnaire. However, considering that 74.0% of the participants were classified as nonproblematic gamblers and that 58.2% scored 0 on the SOGS, the majority of participants who completed the questionnaires had no apparent gambling problems. Another explanation for the higher rates of disordered gambling in this population may be related to the demographics of the sample. People who seek services at UCHC dental clinics have risk factors for disordered gambling identified in other studies of special populations, such as relatively younger age, lower income, and less education (Cunningham-Williams, Cottler, Compton, & Spitznagel, 1998; Feigelman, Wallisch, & Lesieur, 1998; Pasternak & Fleming, 1999; Shaffer et al., 1999; Stinchfield & Winters, 1998; Volberg, 1998; Westphal & Rush, 1996). The prevalence of disordered gambling in this sample of medical and dental patients is similar to rates reported in substance abusing populations (Feigelman et al., 1998; Lesieur et al., 1986; Petry, 2000b; Shaffer et al., 1999).

Because only one other known study reported on the prevalence of Internet gambling, comparisons of the rates of Internet gambling found in this study to other populations are premature. Only Petry and Mallya's (2001) study provides a comparative perspective. Using a methodology similar to

that of the present study, Petry and Mallya examined rates of Internet gambling among UCHC health center employees (n = 907) who, as a group, had an almost identical mean age (42.8) but higher annual income and educational achievement than participants in the present study. Yet Petry and Mallya found a prevalence rate of Internet gambling of just 1.2%, which is a considerable departure from the present study's findings of 8.1%. Because access to the Internet is traditionally correlated with populations that have higher income and educational attainment, the present study's higher rate of Internet gambling was not expected.

The relative difference in Internet gambling rates between the present study and that of Petry and Mallya (2001) may be due to the higher percentage of Level 2 and 3 gamblers found in the present study. Among UCHC employees, Petry and Mallya found a much smaller overall percentage of Level 2–3 gamblers (4.8%) than the present study (26.0%). With the present study's higher overall percentage of problematic gamblers, an associated increase in percentage of Internet gambling may not be surprising. Indeed, 74.2% of Internet gamblers were found to be Level 2 or 3 gamblers, with 64.5% classified as Level 3 gamblers.

Although Internet gambling was the least common gambling activity, the 8.1% (n = 31) of participants who reported experience with Internet gambling remains an important finding. Accessibility and use of Internet gambling opportunities are likely to increase with the explosive growth of the Internet. The University of California, Los Angeles (UCLA) Internet Report (UCLA Center for Communication Policy, 2000) indicated that the number of Americans using the Internet exceeded 100 million by 1999. During each day of the first 3 months of 2000, approximately 55,000 individuals logged on to the Internet for the first time (UCLA Center for Communication Policy, 2000). Thus, an increase in Internet use may foster the development of more Level 2 and 3 gamblers, or attract individuals who already have a gambling problem. Indeed, the availability of Internet gambling may draw individuals who seek out isolated and anonymous contexts for their gambling behaviors.

The high rates of disordered gambling found among UCHC patients illustrate the potential for proactive screening and interventions by health professionals. Health professionals typically attend to a range of patient health and behavior correlates, such as alcohol use, sleep, diet, exercise, and other psychosocial factors. These behaviors and contextual attributes are understood to affect, in complex ways, the health outcomes of patients. Yet attention to gambling as a marker of potential comorbidities is still lacking within health clinic settings. Persons struggling with gambling behaviors are often burdened by health and emotional difficulties (Daghestani, 1987a; Pasternak & Fleming, 1999). These problems include substance abuse, circulatory disease, digestive distress, depression, sexual dysfunction, pervasive anxiety, and risky sexual behaviors (Daghestani, 1987b; Lesieur et al., 1986; Miller, 1996a; Petry, 2000a, 2000b). Screening for disordered gambling among patients may enhance the ability of health professionals to intervene in the physical and emotional health of individuals. Screening strategies are particularly important when dealing with populations in which regular visits to dental or general health clinics may be the exception rather than the norm.

With the expansion of localized and Internet gambling, a rise in disordered gambling may be inevitable as individuals gain easier access to gambling opportunities. The consequences of gambling expansion may continue to negatively affect the health and social contexts of individuals. As interest in treatments for disordered gambling grows (Petry & Armentano, 1999), health professionals should be aware of the signs of disordered gambling and proactively inform patients of the risks involved.

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

Mr. LEACH. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT), who represents Lehigh University.

Mr. DENT. Mr. Speaker, I rise today in very strong support of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act, for a variety of reasons, not the least of which is that Lehigh University was mentioned. That institution is in my district.

And just to drive the point home, just in today's paper, the father of the young man who was alleged to have robbed a bank to support his gambling habit said that this bill was something that could have helped his son. He said this: ''He was addicted. He gambled 12 hours at a time. He gambled everything he had.'' The father went on to say, ''When he was out of money, he did what most addicts do when they are out of their supply. The Internet is flagrantly recruiting under-21-year-olds to gamble . . . This bill would have definitely helped my son.''

Finally, while Internet gambling is a $12 billion worldwide business, it is not by anyone's definition economic development. The revenue from these enterprises is not job-creating. Most Internet gambling funds are destined for locations that exist offshore.

Mr. Speaker, I rise today to speak in strong support of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act.

This legislation gives law enforcement the tools it needs to fight Internet gambling, which is already illegal in this country. Much Internet gambling originates from off-shore locations and thus is dependent upon the electronic transfer of money and wagering information between sites in the United States and these off-shore locations. Unfortunately, one of the major tools in this fight, the Wire Act, which is codified at title 18 United States Code Section 1081, was enacted in 1961, well before the establishment of the Internet or other forms of similar electronic communication. H.R. 4411 clarifies in statute that Internet communications made in furtherance of gambling transactions indeed fall within the scope of the Wire Act and are thus prosecutable.

H.R. 4411 also gives law enforcement some additional authority to block these transactions. It requires the Department of the Treasury and the Federal Reserve to promulgate regulations aimed at preventing transfers of funds related to illegal Internet Gambling. It also gives law enforcement the ability to seek injunctions against those individuals who act to facilitate this gambling.

While Internet gambling is a $12 billion worldwide business, it is not, anyone's definition, economic development. The revenue from these enterprises is not job-creating; most Internet gambling funds are destined for locations that exist off-shore. Internet gambling is, instead, wealth transfer—in most cases, from many who can least afford it to very few who don't need the cash. The proliferation of gambling in America—whether it involves playing the slots at a local racetrack, betting on roulette at a tribal casino hundreds of miles from the nearest Indian reservation, or placing wagers on college basketball games with an Internet site headquartered in the Bahamas—has done nothing to make this a healthier, more productive nation. That is why I support this bill.

Ms. HOOLEY. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF), who has been a phenomenal advocate of this issue.

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

I want to begin by thanking Mr. LEACH and Mr. GOODLATTE for staying in there when the outside lobbyists were trying to control this institution. And people must know, if you go back and look at history, this institution, this institution, was manipulated by outside lobbyists. So there is a test today whether that outside lobby, outside influence will continue to take place.

With the guilty plea of lobbyist Jack Abramoff and the information revealed about his role in the defeat of the Internet gambling ban a number of years ago, it is time to strengthen the law enforcement tools to crack down on illegal gambling.

With online gambling, people can do it in their bathrobes, as Mr. LEACH said. They can do it when they are standing in line. This is a test. Quite frankly, this is a test for this institution about outside influences, ones that all you have to do is read The Washington Post and the New York Times over and over and over to see what they have done. They have manipulated this place.

And today, with Mr. LEACH and Mr. GOODLATTE and others, you have an opportunity to reverse the manipulation and pass this bill without amendment.

Mr. Speaker, I rise in strong support of the legislation offered by my colleagues JIM LEACH and BOB GOODLATTE. I want to take this opportunity to commend them for working together and really sticking with it so that we could have a strong bill on the floor today that takes the strengths of each of their measures to comprehensively address Internet gambling.

As the author of the legislation which established the National Gambling Impact Commission, I have long been concerned about the predatory nature of gambling and the corruption that is often associated with it.

It seems as though every day in the news there is a new scandal related to gambling. Without this important legislation, there is no way to regulate Internet gambling.

Today, gambling is legal in almost every State in the Union and more than 400 tribal casinos operate in over 30 States. Sadly, Internet gambling is a growing problem in America, particularly for our young people.

You may recall that last December, Greg Hogan—a Lehigh University sophomore—made headlines when he robbed a bank in

order to pay his online poker debt of more than $5,000.

According to a PBS NewsHour report last spring, recent studies indicate that more than 70 percent of youth between the ages of 10 and 17 gambled in the past year, up from 45 percent in 1988.

And of those who gamble online, an Annenberg Public Policy Center study released last fall indicates that almost 15 percent of our young people aged 14–22 gamble online at least once a month. While 15 percent may not set off alarm bells, consider that more than 50 percent of those who gamble once a week show signs of problem gambling.

Gambling—and particularly online gambling—is a growing problem around the country. According to a Sports Illustrated article from last summer, more than 1.8 million online poker players gamble each month.

They wager an average of $200 million a day. And the industry generates more than $2.2 billion, that's with a "B," in gross revenue annually.

I am pleased to support the Internet Gambling Prohibition and Enforcement Act that will improve law enforcement tools to address this problem. Additionally, I think we have momentum on our side to address the explosion of gambling.

With the guilty plea of lobbyist Jack Abramoff and the information revealed about his role in the defeat of the Internet gambling ban a number of years ago, it's time to strengthen law enforcement's tools to crack down on illegal Internet gambling.

With online gambling, people can do it in their bathrobes, in their family rooms, in fact they could even do it on their cell phones walking down the street. It's literally available everywhere at any time.

The prevalence of online gambling and its explosive growth is a national disgrace that hurts young people. How will the Congress explain to the American people if it fails to address this issue?

Mr. Speaker, I urge support for this legislation.

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

Mr. LEACH. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding, and I compliment him on this bill. I also compliment the gentleman from Virginia (Mr. GOODLATTE) and Chairman OXLEY and Chairman SENSENBRENNER and my colleague, Mr. WOLF, with whose remarks I associate myself.

This is a huge problem. I have observed in my lifetime many, many, many people whose lives have been destroyed by unregulated gambling. Story after story was brought to me when I worked in the Arizona attorney general's office about people whose lives were destroyed because one member of their family became addicted to gambling.

Now, we have regulated gambling in this Nation, and that is one thing and nobody is trying to ban that by this bill. But Internet gambling is totally unregulated gambling, and it victimizes people and it destroys lives.

It seems to me that the critics of this bill, including those in the paper this morning, say it does not go after every gambling operation in the world. Of course it doesn't. There are regulated gambling organizations which are legitimate and at least have some government oversight.

What this bill goes after is the epidemic of unregulated gambling that is destroying lives that puts a full online casino in every single home in America to corrupt the people there and destroy their lives.

I urge my colleagues to support this bill, and I commend the leaders, including Chairman SENSENBRENNER, who have brought it to the floor.

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

I just have to clarify a few things that have been said. First of all, this bill is about enforcing the law that is already on the books. This is not about prohibiting gambling. States can regulate their own gambling. They can regulate Internet gambling. This is about enforcing the laws.

We had a hearing in Financial Services where the FBI Director was in front of us and he said this is a significant vehicle for money laundering. GAO reports that Internet gambling can be a significant vehicle for money laundering proceeds because they can move large quantities of money around rapidly to obscure criminal origins. Internet gambling generates over $10 billion in revenues. Nearly 80 percent of those revenues are impossible to account for because illegal gambling sites are located in jurisdictions with no regulation on gambling.

This allows States the prerogative to decide what kind of gambling should be permitted or forbidden within the State borders. Some States say you cannot gamble; other States say you can. The attorneys general of 48 States have said they are in support of this legislation. It will make online gambling impossible for minors. Minors cannot go into brick and mortar facilities right now. It should, in fact, make it inaccessible for minors.

It recognizes the jurisdictional impediments for prosecuting offshore gambling businesses. Financial systems will be required to block money flow to these businesses, cutting off the oxygen for these illegal transactions.

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

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I thank the gentleman for yielding, and I want to thank my colleagues, Mr. GOODLATTE, Mr. LEACH, Mr. SENSENBRENNER, for their hard work and leadership on this issue.

Mr. Speaker, it is time that we enforce the law when it comes to Internet gambling.

Dozens of Web sites entice Web surfers to bet online with free software offers. Online sites advertise openly on TV. Stores carry books on how to get rich by gambling online.

The only problem? Online gambling is illegal.

This bill makes that clear and provides mechanisms to effectively enforce the law.

This year Americans will send $5.9 billion to offshore, unregulated online casinos. The Justice Department warns that many of these sites are fronts for money laundering, drug trafficking, and even terrorist financing. And unregulated online gambling also takes a toll in untold numbers of personal lives destroyed.

Gambling online is unique. No casinos, horse tracks, or betting parlors are required. All you need is a computer, credit card, and Internet access. With that, players are able to play 24 hours a day from the privacy of their homes. Minors are easily able to defy age requirements if they wish to play. And the online environment and credit card payment system combine to promote addiction, bankruptcy, and crime.

Currently, online gambling operations avoid Federal and State law enforcement by locating offshore, and this bill addresses this loophole in three ways: first, it clarifies previous law, making it a Federal felony to use wire communications facilities to transmit bets or wagers. Secondly, it cuts off the flow of money to online gambling sites by regulating the payment systems they use to collect the money. And, finally, it authorizes penalties against those who facilitate illegal online gambling.

Simply put, Mr. Speaker, the law is being flouted, and this bill does something about it. I strongly urge its adoption.

Ms. HOOLEY. Mr. Speaker, I yield myself the balance of my time to close.

First of all, in my opening statement there was a person I forgot to thank who has carried this banner in Financial Services for a long time, Mr. BACHUS from Alabama. I thank you for all the hard work you have done on this.

In closing, Mr. Speaker, I would like to share some interesting facts from an article written for the New York Times by Matt Schwartz.

Researchers say that Internet gambling is addictive. Players say it is addictive. In fact, the action, the act of placing a bet, and the high that follows has been identified by neurologists as a similar high to doing a line of cocaine. Blood rushes to the face, the hands moisten, and the mouth dries up.

Internet gambling has also dramatically changed the face of addiction. An estimated 1.6 million of the 17 million U.S. college students gambled online last year, mostly on poker. According to a study by the Annenberg Public Policy Center, the number of college males who reported gambling online once or more a week quadrupled in the last year alone. This is a growing addiction.

The stereotypical compulsive gambler is now much more likely to be a teenager or a college student. Before

the rise of online gambling, the typical compulsive gambler was in his thirties or forties and took a decade to run the destructive course. Now online gamblers are running the same course in 18 months or less.

These facts are disturbing and highlight the need for action by this Congress. Again, this bill is a commonsense approach that cuts off the flow of money to Internet gambling Web sites by regulating the payment systems.

And, again, we have to remember these laws are already on the books. What we are trying to do is enforce the laws. The Department of the Treasury and the Federal Reserve will jointly develop policies and procedures for identifying and preventing financial transactions related to illegal Internet gambling. Payment systems will be required to comply with these regulations. Again, States are allowed to regulate gambling within their own States.

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I urge my colleagues to end the flow of money to illegal Internet gambling Web sites, and I urge the passage of H.R. 4411.

[From the New York Times, June 11, 2006]

CHAPTER 2: THE GAMBLER; THE HOLD-'EM HOLDUP

(By Mattathias Schwartz)

Greg Hogan Jr. was on tilt. For months now, Hogan, a 19-year-old Lehigh University sophomore, had been on tilt, and he would remain on tilt for weeks to come. Alone at the computer, usually near the end of one of his long online gambling sessions, the thought ''I'm on tilt'' would occur to him. Dude, he'd tell himself, you gotta stop. These thoughts sounded the way a distant fire alarm sounds in the middle of a warm bath. He would ignore them and go back to playing poker. ''The side of me that said, 'Just one more hand,' was the side that always won,'' he told me months later. ''I couldn't get away from it, not until all my money was gone.'' In a little more than a year, he had lost $7,500 playing poker online.

''Tilt'' is the poker term for a spell of insanity that often follows a run of bad luck. The tilter goes berserk, blindly betting away whatever capital he has left in an attempt to recoup his losses. Severe tilt can spill over past the poker table, resulting in reputations, careers and marriages being tossed away like so many chips. This is the kind of tilt Hogan had, tilt so indiscriminate that one Friday afternoon this past December, while on his way to see ''The Chronicles of Narnia'' with two of his closest friends, he cast aside the Greg Hogan everyone knew—class president, chaplain's assistant, son of a Baptist minister—and became Greg Hogan, the bank robber.

On Dec. 9, 2005, Hogan went to see ''Narnia'' with Kip Wallen, Lehigh's student-senate president, and Matt Montgomery, Hogan's best friend, in Wallen's black Ford Explorer. Hogan, who was sitting in front, asked Wallen to find a bank so he could cash a check, and Wallen pulled over at a small, oatmeal-colored Wachovia. Inside, Hogan paused at the counter for a moment and then joined the line. He handed the teller a note that said he had a gun, which was a bluff. ''Are you kidding?'' her face seemed to say. He did his best to look as if he weren't. With agonizing slowness, she began assembling the money. Moments later, a thin sheaf of bills appeared in the tray: $2,871. Hogan stuffed it into his backpack, turned around and walked back out to the car.

The movie ended, and the trio returned to campus. Hogan went immediately to Sigma Phi Epsilon, his fraternity, and used some of the stolen money to pay back brothers who had lent him hundreds of dollars. He then joined a few friends at an off-campus pizzeria for dinner. Someone's cellphone rang, with the news that police had stormed the Sig Ep house. No one knew why. Hogan stayed silent. After dinner, his friends dropped him off at orchestra practice. Allentown police officers were waiting for him. They handcuffed him and took him to headquarters, where he confessed almost immediately.

Hogan's first call was to his parents back home in Ohio. They had just finished eating dinner at T.G.I. Friday's. ''He was at the end of himself,'' Greg Hogan Sr. told me. ''He couldn't believe he had done it. Not that he was denying anything, but he felt like he was watching another person's life.''

To wired college students today, Internet gambling is as familiar as beer, late-night pizza and the Saturday night hook-up. Poker—particularly Texas hold 'em—is the game of choice. Freshmen arrive already schooled by ESPN in the legend of Chris Moneymaker, the dough-faced 27-year-old accountant who deposited $40 into his PokerStars.com account and parlayed it into a $2.5 million win at the World Series of Poker in Las Vegas. Throughout the dorms and computer labs and the back rows of 100-level lecture halls you can hear the crisp wsshhp, wsshhp, wsshhp of electronic hands being dealt as more than $2 billion in untaxed revenue is sucked into overseas accounts each year.

Researchers say that Internet poker is addictive. Players say that it's addictive. The federal government says that it's illegal. But colleges have done little to stop its spread on campus. Administrators who would never consider letting Budweiser install taps in dorm rooms have made high-speed Internet access a standard amenity, putting every student with a credit card minutes away from 24-hour high-stakes gambling. Online casinos advertise heavily on sites directed at college students like CollegeHumor.com, where students post pictures of themselves playing online poker during lectures with captions like: ''Gambling while in class. Who doesn't think that wireless Internet is the greatest invention ever?'' Some schools have allowed sites to establish a physical on-campus presence by sponsoring live cash tournaments; the sites partner with fraternities and sports teams, even give away a semester's tuition, all as inducements to convert the casual dorm-lounge poker player to a steady online customer. An unregulated network of offshore businesses has been given unfettered access to students, and the students have been given every possible accommodation to bet and lose to their hearts' content. Never before have the means to lose so much been so available to so many at such a young age.

An estimated 1.6 million of 17 million U.S. college students gambled online last year, mostly on poker. According to a study by the Annenberg Public Policy Center, the number of college males who reported gambling online once a week or more quadrupled in the last year alone. ''The kids really think they can log on and become the next world champion,'' says Jeffrey Derevensky, who studies youth problem gambling at McGill University in Montreal. ''This is an enormous social experiment. We don't really know what's going to happen.''

Greg Hogan is far from the only college student to see the game's role in his life grow from a hobby to a destructive obsession. Researchers from the University of Connecticut Health Center interviewed a random sample of 880 college students and found that 1 out of every 4 of the 160 or so online gamblers in the study fit the clinical definition of a pathological gambler, suggesting that college online-poker addicts may number in the hundreds of thousands. Many, like Lauren Patrizi, a 21-year-old senior at Loyola University in Chicago, have had weeks when they're playing poker during most of their waking hours. Rarely leaving their rooms, they take their laptops with them to bed, fall asleep each night in the middle of a hand and think, talk and dream nothing but poker. By the time Patrizi finally quit, the game seemed to be both the cause of all her problems and her only means of escaping them. ''I kept on playing so I wouldn't have to look at what poker had done to my bank account, my relationships, my life,'' she told me.

Other addicts, like Alex Alkula, a 19-year-old living outside Columbus, Ohio, decide to ''go pro,'' drop out of school and wind up broke and sleeping on their friends' couches. Alkula, who left the Art Institute of Pittsburgh after five months, now makes his living dealing hold 'em in private home games and organizing tournaments in bars. Having overdrawn four bank accounts, Alkula can no longer play online himself. But when he gets home from work at 3 or 4 in the morning, he turns on his computer, clicks on Full Tilt Poker and watches the players' cards flicker on the screen until dawn. ''I can't get away from it,'' he told me. ''And really, I don't want to. I'll keep playing poker even if it means being broke for the rest of my life. I've fallen in love with the game.''

In its outline, Hogan's story closely resembles that of the stereotypical compulsive gambler. Before the rise of online poker, however, such a story typically involved a man in his 30's or 40's and took a decade or more to run its course. Greg Hogan, on the other hand, went from class president to bank robber in 16 months. His fall took place not at the blackjack table or the track but within the familiar privacy of his computer screen, where he was seldom more than a minute away from his next hand of poker. He'd been brought up too well to waste himself in some smoky gambling den and knew too much to play a mere game of chance. He wanted to compete against his peers, to see his superior abilities yield dollars for the first time, a transaction he equated with adulthood. His stubborn faith in his own ability—a trait that had served him so well through his first 19 years—proved to be his undoing.

Today's ruined gamblers are often too young to know any better—too young, in fact, to legally gamble in most U.S. casinos. Until now, these young addicts were ignored by the news media, which swooned over the top of the poker pyramid, the Chris Moneymakers and the ESPN heroes, the guys in the wraparound sunglasses and the cowboy hats who made the hustler's art seem somehow noble and athletic. No one was interested in whose losses keep the poker economy humming, not until a Baptist minister's son robbed a bank.

A minister's eldest boy learns to perform early in life. On Sundays, Greg's mother, Karen, would dress him and his two brothers in matching slacks and blazers and take them and their sister to hear Greg Sr. preach. The congregation looked on as the boys followed Greg Jr's polite, attentive example. Schooled at home through eighth grade, the straw-haired, blue-eyed boy emulated his father's steady gaze, the soft but firm quality in his voice. He saw that others would come to rely on him if he revealed only his strongest side. When Greg Sr. ran

for City Council, Greg Jr. enlisted his playmates to help him campaign door to door. Neighbors began calling Greg ''the General.'' When it came to music, Greg was like a boat on a still pond—one small push from his parents and he'd glide on toward the goal. Karen, a psychiatric nurse, started him on the piano at 5. Greg Sr. worked a second job to help pay for $50-an-hour private music lessons for his daughter and three boys. By 13, Greg had twice played onstage at Carnegie Hall. Music won him a scholarship to the prestigious University School, a day school outside Cleveland, where his classmates noticed his oddly mature ways and dubbed him ''the 30-year-old man.'' By graduation, he'd developed something of an ego. ''Greg will always be a people person,'' wrote his adviser in an evaluation letter. ''Perhaps he should set his sights a little lower and just become president of the United States.''

Hogan, who had palled around with the sons of bank executives at his high school, threw himself into this new environment. Even before his father had said goodbye to head back to Ohio, Greg announced his plan to run for class president. He played his first hands of live hold 'em with real money that night, a way to break the ice with the guys from his hall in the dorm lounge. A few weeks later, guided by one of his roommate's friends, Hogan opened his first online-poker account at PokerStars.com. He chose a screen name that would carry his new school's banner all around the world: geelehigh. He'd met someone from two floors down who had lost $100—a fortune, it seemed—online. He decided to stick to the play-money tables. Within 10 minutes, Hogan was playing his first online hands.

A few days later he met another friend of his roommate's. Hogan claims that he remembers only his nickname, Phys. When he turned 21, Phys told Hogan, he would plunk down $10,000 and become the youngest player ever to win poker's greatest prize—the World Series of Poker No Limit Texas Hold 'Em bracelet. He then showed Hogan where he planned on getting that kind of money. He clicked on the PokerStars icon on Hogan's computer, typed in a user name and password, clicked on ''Cashier.'' And there it was, Phys's ''real money'' balance: more than $160,000. Hogan clucked his tongue. ''Un-be-lievable,'' he said, almost to himself. He knew that the money was indeed real. All Phys had to do was click on the ''Cash Out'' button and wait two weeks, and he'd receive a six-figure check in the mail. Four years' tuition, sitting there like a high score. It was absurd.

The next week, geelehigh used his debit card to make a $75 PokerStars deposit. He received a $25 ''deposit bonus,'' which wouldn't clear until he'd played several hundred hands. The money was real now, but it still felt as ephemeral as it did at the play-money tables: $100 was a digitized chip icon, an oval of black pixels on his computer screen. Green ovals were $25, red ovals $5. All were smaller than a grain of rice. When Hogan clicked on the ''Bet'' or ''Raise'' buttons, the chips made a chik sound and floated across the glowing table before melting into the pot. These tiny digital chips represented money controlled by a corporation in Costa Rica. The ''cards'' themselves were really just bits of data, ''shuffled'' by a random-number generator on a Mohawk Indian reservation in Quebec. The nine players at Hogan's table were scattered all over the world, each sitting alone at his screen, trying to take money from the other eight. Eventually, in chunks of $50, then $100, he took two summers' earnings, money his parents had given him for books and expenses, hundreds of dollars in loans from friends, $2,000 in savings bonds bought in his name (bonds he took from the family safe) and turned it into digital chips: $7,500 in all.

Online, Hogan would play 60 to 100 hands an hour—three times the number of his live games. There was no more shuffling between hands, no more 30-second gaps to chat with his friends or consider quitting. Each hand interlocked with the next. The effect was paralyzing, narcotic. ''Internet poker induces a trancelike state,'' says Derevensky, the McGill professor, who once treated a 17-year-old Canadian boy who lost $30,000, much of it at PokerStars. ''The player loses all track of time, where they are, what they're doing.'' When I spoke with an online hold-'em player from Florida who had lost a whopping $250,000 online, he told me: ''It fried my brain. I would roll out of bed, go to my computer and stay there for 20 hours. One night after I went to sleep, my dad called. I woke up instantly, picked up the phone and said, 'I raise.' ''

A raked poker game cannot survive unless some players either overestimate their abilities or are willing to keep playing despite consistent losses. Fish, then, are the chum that keeps the rest of the poker ecosystem alive. Poker message boards monitor which sites are teeming with geelehighs and which have been leached dry. To stay in business, sites must attract fish, hold them for as long as possible and replace them when they go broke. According to Mike Shichtman, a professional gambler who consults for the online site Pacific Poker, there is ''giant concern'' in the industry that the total number of fish may be dwindling. It is, he adds, a trend that can be reversed only by tapping new markets.

In a few weeks, Hogan had run his initial $75 up to $300. Then, in November, came ''the hand that got me hooked.'' Hogan drew a king-high flush and bet all $300. When his opponent called the bet and showed his ace-high flush, Hogan felt an impotent rage that broke on his forehead and coursed through his body. Tilt. He cursed, shut down the program in disgust and vowed never to play online again. Four days later, however, he felt the traces of an urge as visceral as the need to eat.

Hogan was craving ''action,'' the gambler's drug. ''Getting action'' is the act of placing a bet; being ''in action'' is the high that follows, a state of arousal that neurologists have likened to doing a line of cocaine. Blood rushes to the face, the hands moisten, the mouth dries up. Time slows down to a continuous present, an unending series of build-ups and climaxes. The gains and losses begin to feel the same. Action had already appeared intermittently in Hogan's life—when he cheered the Ohio State Buckeyes through the last seconds of overtime, when his father called him with Lehigh's admissions decision in hand. Poker gave him the same rush whenever he wanted it, for hours on end.

Back in Ohio, Hogan's October bank statement arrived with two $50 PSTARS withdrawals. His father called, asked why he'd waste money like that. Greg promised to stop. He played again that day. He had not and would not read any of the half-dozen books that together give a rough grasp of how hard hold-em is to master. He had no idea that many of his opponents were self-styled professionals using a special program called Poker Tracker to analyze betting patterns and seek out fish like geelehigh. There were always some of these pros online, some playing 8 or 12 tables at once to leverage their advantage. They were waiting for him the night Lehigh's football team lost to rival Lafayette, when Hogan, who'd organized a cheering section, felt a little down and once again pushed aside his father's warnings. They followed him home over Thanksgiving weekend in November 2004, where, amid the clutter of his father's small basement office, he watched the World Series of Poker on TV, never changed out of his pajamas and played online for 10 hours a day. He lost $1,500, every penny he'd taken to school with him. Upstairs, the Hogans wondered what was wrong with their son.

''It's just play money, Dad,'' he told his father, who learned the truth when an overdraft notice arrived from Greg's bank. Greg Jr.'s phone rang the moment he returned to Lehigh. It was Greg Sr., who reminded Greg that the $1,500 had come from friends and relatives who didn't give it to him so he could gamble it. Hogan, distraught, e-mailed Phys and begged him to cover the loss. Phys agreed, so long as Greg would stop playing. ''You're a fish,'' he said. ''You need to stop.''

Greg had begun to daydream about poker during student-council meetings, at orchestra practice, whenever he had a free moment. Soon, Phys's $1,500 had melted away. Hogan's parents arranged for him to meet with a Lehigh counselor. He was told that live poker was harmless but to stay away from online. For a time, the counseling worked. Hogan did not gamble during spring semester. But that summer, back at home in Ohio, Hogan was checking up on his friends at Facebook.com when he saw a PartyPoker ad: make a $50 deposit, get a $50 bonus. He'd been coveting a red Jeep and remembered the times he'd run $100 up to $500. Ten $500 sessions, get the Cherokee, don't tilt and quit. And he did win, at first. Then, as always, his opponents began to outmaneuver him. ''I kept going back online, depositing another $50, winning, withdrawing,'' he recalls. ''It happened a few times, but then I wouldn't be withdrawing. And then I'd just keep putting money in 'cause I kept losing.''

In July, at his parents' behest, Hogan attended a few Cleveland-area Gamblers Anonymous meetings, which proved handy when a friend took him to a Canadian casino to play live poker. He found it easy to play a disciplined game under the appraising eyes of older strangers and won $500. The G.A. meetings had taught him to recognize the fish at the table. Except for the one sitting in his seat.

Back at Lehigh that September, Hogan sometimes found himself shoehorning counseling meetings between online-poker sessions. To his friends and professors he was a terrific success, the easygoing leader who organized landscaping projects around the Sig Ep house and hobnobbed with Lehigh's wealthy trustees at dinner parties. But to his parents, his situation was growing desperate. Hogan had reneged on his promise to attend G.A. meetings in Bethlehem. Withdrawals and overdrafts continued to appear on his bank statements. ''I really don't want to do this anymore, but I don't know how to stop,'' Greg told his father. Greg Sr. then made the six-hour drive from Ohio to install a $99 program called GamBlock on his son's computer. Highly regarded among gambling counselors, GamBlock makes it impossible for users to access any Internet casinos. (The company's founder, David Warr, says that half of his customer base, which he will only put in the ''thousands,'' is connected to a college or university.)

Hogan soon found a way to circumvent GamBlock, gambling by night in the library's computer lounges. ''It was funny to see how many other kids were playing,'' he says. ''By this point I didn't really care so much who saw me.'' Greg Sr. realized what was happening and asked the administration to lock poker sites out of the public terminals. He says he was told that nothing could be done. As November approached, the wall Hogan had built between his Lehigh life and his poker life had begun to crack. He would

borrow $100 or $200 from his fraternity brothers and fail to pay them back by his self-imposed deadlines. He would skip classes and meetings for long binges in the fraternity lounge, gambling through the night and catching a few hours' sleep before noon. People he hardly knew were asking him what was the matter. On Oct. 19, when a fellow Sig Ep sent the house an e-mail asking if anyone wanted to try to hit a record Powerball jackpot, Greg sent this reply, a message that went to all 60 of his brothers: ''O what the hell, maybe my bad luck can change??? Please God??''

The end came quickly, a weeklong series of 14-hour binges at the end of November. ''There was very little thinking,'' he told me. ''I'd get up and lose it. Get up, make another deposit, lose it again. As soon as I lost, I had to get more money in my account immediately. My whole body was shaking as I waited for the program to load, I wanted to play so badly.'' On Nov. 30, 2005, he lost the last $150 in his account during a six-hour session in the Sig Ep lounge that ended when a friend told him dinner was ready. ''I was up about $500, and I was like, 'I'll play two more hands,'' Hogan says. ''Then one more hand, and one more after that. And in those last three or four hands, I lost it all. All the muscles in my body gave way.'' He fell asleep, completely broke. All his poker accounts were at zero. His checking account had a negative balance. At the Sig Ep winter social, the fraternity treasurer told Hogan he would be kicked out if he failed to come up with $200 in social fees. Having bailed him out twice before, Greg's parents refused to give him the money and were considering pulling him out of Lehigh altogether. Hogan spent the next week wandering around the Sig Ep house in a daze, skipping classes and drinking himself into a stupor each night.

''It was the weirdest thing I've ever experienced in my life,'' he said. ''Like an out-of-body experience. I was watching myself walk around. Watching myself go and eat food. Watching myself take a shower, but not actually doing those things. I remember looking in the mirror, and it was not me I was seeing in the reflection.''

The night before the bank robbery, Greg spoke with his father one last time. Greg Sr. remembers what he heard in his son's voice. The tiredness. The lack of presence.

''Greg,'' he asked, ''are you gambling?'' Greg said what he always said. ''Nah, Dad. It's been a while since I've done any of that.'' Greg Sr. had gotten used to his son's half-truths, the ''wishing out loud,'' as he calls it. He knew it was useless to press further. ''O.K., Gregory. I love you. Good night.''

I met Greg Hogan Jr. for breakfast one morning this spring, at a diner a few miles from Lehigh. (As Hogan was in the process of negotiating a plea with the county's D.A., I agreed to ask him only about poker and refer all questions about the day of the bank robbery to his attorney.) He had recently completed an inpatient gambling-treatment program in Louisiana, where he wasn't allowed to have more than $5 on him at any time. ''I haven't played a hand of poker in 90 days,'' he said, with a recovering addict's confessional cheer. He is 20, but his jowly face and all-business baritone make him seem much older. Take away the American Eagle shirt and the Ohio State Buckeyes cap and he'd resemble a young, pale Harry Truman.

Beside us sat Greg Sr. and Karen, still fuming over media accounts that they are ''affluent.'' On the contrary, they have scrimped to put children through college. After paying Greg's treatment costs, legal fees and bank debts, they expect to be out $35,000. Hogan's lawyer has been fielding calls from bookers at ''Oprah,'' ''Montel'' and ''Good Morning America,'' all drawn in by the irresistible ''good kid robs bank'' story.

Some $60 billion was bet last year in online poker games, two-thirds of which came from the United States. The vast majority of this money moves from player to player. About $3 billion wound up as revenue in the form of rake, a figure that is growing by about 20 percent per year, making poker the fastest-growing segment of the $12 billion online-gambling industry. Unlike their brick-and-mortar counterparts, online casinos don't have to pay for dealers, free drinks or air-conditioning, and they enjoy profit margins as high as 60 percent.

There are more than 400 online card rooms operating today, offering every variety of poker game and every level of stakes. Hold 'em, the most popular game, can be played for anywhere from pennies to tens of thousands of dollars a hand. Like pornography before it, gambling is shedding its stigma, transitioning from the black market to Wall Street, from a back-room vice to ubiquitous ''content.'' PartyGaming, the largest operator, is valued at about $10 billion on the London Stock Exchange. Its shares are held by Goldman Sachs, Merrill Lynch and other top Wall Street firms. Five years from now, if the plans of PartyGaming and other Internet casinos come to pass, consumers will be able to place bets on their cellphones and P.D.A.'s while waiting for a table in a restaurant.

The public visibility of online-poker seems to be growing as fast as its revenues. Calvin Ayre, the globetrotting founder of the online card room and sports-betting site Bodog.com, spends $50 million a year promoting himself and his company as a Hefner-like lifestyle brand. He has run ads in Esquire and Vice magazine and on Gawker Media's sites in which Ayre himself often appears as a dapper, rakish bachelor, personally embodying both the new poker wealth and the rewards his younger customers hope the game might bring. The image has caught on—this March he appeared on the cover of Forbes's Billionaires issue.

While the Department of Justice maintains that online poker violates U.S. laws, not a single player or site has been indicted, and online gambling remains as available as pirated music. To shut down Internet gambling, the D.O.J. would either have to start monitoring what we download from the Internet or raid legal, licensed businesses in Antigua, Britain, Costa Rica and other countries where it has no jurisdiction. The D.O.J. has succeeded in persuading some credit-card companies to stop financing online-poker accounts, but this hasn't stopped the flow of rake overseas. U.S. players simply move funds through offshore third-party ''e-wallets'' like Neteller and Firepay, which charge a small fee and then pass the money on to the sites.

''The Department of Justice takes the position that online poker is illegal,'' says the former U.S. attorney Jim Martin, who led the first phases of the department's campaign against online-gambling advertising. ''But I don't think they have much of a motive to go after individual bettors at all.''

Analysts say that online gambling's gray legal status allows operators to avoid paying more than $7 billion a year in federal taxes. And $7 billion is a lot of tax money to leave on the table—nearly half of NASA's budget for next year. It's probably too much for this ambiguous state of affairs to continue for much longer. Late last month, the House Judiciary Committee approved a bill introduced by Representative Bob Goodlatte that would make it harder—but far from impossible—for players to move their money offshore, while leaving the question of domestic online gambling to the states. With Congress unlikely to pass any law authorizing federal oversight of our online activities, Internet gambling's near future appears as healthy as illegal downloading's. In the long term, the federal government's response is likely to resemble either its response to tobacco, with high taxes and more rigorous controls over marketing and access to young people, or to marijuana, a costly and mostly fruitless campaign to eradicate a demand-driven business by cutting off the supply.

With plenty of disposable income and spare time, college students constitute one of the gambling industry's most coveted demographics. ''We've been surprised by this natural, organic groundswell of demand from the college audience,'' says Jason Reindorp, marketing director for AbsolutePoker.com, which gave away a semester's tuition to the winner of a college-only online tournament and promoted its Web site at halftime during N.C.A.A. basketball tournament games. Like many sites, AbsolutePoker.com enlists players in multilevel marketing programs. Known as ''affiliates,'' players are rewarded with a $75 bonus or a percentage of the rake each time they find AbsolutePoker a new customer. Reindorp says that AbsolutePoker relies on students to make sure all this jibes with campus policy. ''The student audience is very responsible,'' he says. ''They know how to avoid getting into trouble by breaking their school's rules, just like they know how to avoid playing beyond their means.''

I'd heard the same from almost every online player I'd spoken with: I lose big, I win big, but at the end of the day, I come out ahead. Johnson did know one losing player who'd lost several thousand dollars and had to take a $6.25-an-hour job at this very smoothie shop to pay for his books.

Johnson said Hogan never had much of a reputation among Lehigh's hard-cord poker players. ''The funny thing is, he wasn't even in that deep,'' he told me. ''Five thousand is nothing. I know whole halls full of kids who play the thousand-dollar buy-in No Limit tables. If everyone did the same thing when they lost five large,'' he added with a chuckle, ''well, there'd be a lot more bank robberies.''

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

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

Mr. Speaker, very briefly, I would simply like to express a lot of personal appreciation to Chairman MIKE OXLEY of the Banking Committee, SPENCER BACHUS and all those who have preceded us on this side, to Chairman SENSENBRENNER and, extraordinarily, to BOB GOODLATTE who has led this movement for quite a long time.

I also want to express a great deal of respect for points in the opposition, RON PAUL, our distinguished Libertarian leader in the House, and BARNEY FRANK, who from a liberal perspective has taken a Libertarian view, have thoughts that deserve great respect; and I have always admired the work of the ranking member, JOHN CONYERS, on this committee.

But I want to just conclude with this observation. This is not a partisan bill. It is not an ideological bill. As Ms. HOOLEY very thoughtfully reflected, from a Democratic perspective, this is a family bill, and this bill, I am hopeful, will get a lot of support from both sides, and it will get a little opposition from both sides. This is for the good of the American people, and in the development of legislation like this, outside

groups do play a role. Sometimes they are nefarious; that happens around here. Sometimes they are high-minded.

When I think of Marty Gold of the NFL, when I think of Cynthia Abrams from United Methodist Church, I think of really fine Americans who have indicated that we should act in this area, and I am honored to work with them.

I urge support for this legislation.

The SPEAKER pro tempore. The gentleman's time has expired.

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

Mr. Speaker, I rise in strong support of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act. The version we consider today merges H.R. 4777, the Internet Gambling Prohibition Act, offered by the gentleman from Virginia (Mr. GOODLATTE), and H.R. 4411, the Unlawful Internet Gambling Enforcement Act of 2006 introduced by the gentleman from Iowa (Mr. LEACH).

I am pleased to have worked closely with Mr. GOODLATTE, Mr. LEACH and members of the Committee on Financial Services to draft a compromise on this important legislation which has allowed it to come to the floor today.

In recent years, illegal online gambling activities and their adverse social consequences have risen dramatically. Americans will send $6 billion to unregulated, offshore, online casinos this year, 50 percent of the $12 billion wagered on Internet gambling worldwide.

The Department of Justice has warned that Internet gambling sites are often fronts for money laundering, drug trafficking and even terrorist financing. Furthermore, these sites evade vigorous U.S.-based gambling regulations that restrict gambling by minors, protect chronic gamblers and ensure the integrity of the games.

The characteristics of Internet gambling are unique: online players can gamble 24 hours a day from home; children may play without sufficient age verification; and betting with a credit card can undercut a player's perception of the value of cash, leading to addiction, bankruptcy and crime. Young people and compulsive gamblers are particularly vulnerable.

The legislation we consider today clarifies the application of the Wire Act to the Internet, and prohibits not only sports betting, but traditional gambling such as online poker, blackjack and roulette.

It further provides Federal, State and tribal law enforcement with the tools to combat Internet gambling and cuts off revenue to those who profit from this destructive and illegal activity. The bill accomplishes this by prohibiting the use of financial instruments such as credit cards, electronic fund transfers, checks and drafts to pay for online gambling bets. It also increases the criminal penalties for violation of the Wire Act from a maximum of 2 years to a maximum of 5 years.

Legislation to address illegal online gambling is strongly supported by a broad and diverse coalition representing religious organizations, professional sports leagues, entertainment companies, the financial services industry, and State lottery commissions. Moreover, the unique national and global character of the Internet requires a clear and decisive congressional response to illegal activities that occur online.

The time to pass strong prohibitions against Internet gambling is now. I urge my colleagues to pass this vital legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 10, 2006.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN BARTON: Thank you for your recent letter concerning the Committee on Energy and Commerce's jurisdictional interest in H.R. 4411, the ''Unlawful Internet Gambling Enforcement Act of 2006, as amended.'' I acknowledge the Committee on Energy and Commerce's jurisdictional interest in the amendment in the nature of a substitute to H.R. 4411 and appreciate your willingness to waive further consideration of the legislation in order to expedite its consideration on the House floor.

I agree that by foregoing consideration of the amendment in the nature of a substitute to H.R. 4411, the Committee on Energy and Commerce does not waive jurisdiction over subject matter contained in this or similar legislation. In addition, I agree to support representation from the Committee on Energy and Commerce for provisions of H.R. 4411 determined to be within its jurisdiction in the event of a House-Senate conference on the legislation.

Finally, as requested, I will include a copy of your letter and this response in the Congressional Record during floor consideration of this legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 10, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I understand that the House plans to consider H.R. 4411, as amended, the Unlawful Internet Gambling Enforcement Act of 2006, this week. The proposed amendment in the nature of a substitute contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

I recognize your desire to join Chairman Oxley and bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over the subject matter contained in the amendment in the nature of a substitute to H.R. 4411. In addition, the Energy and Commerce Committee reserves its right to seek conferees for any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 4411 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of H.R. 4411. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,
Chairman.

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

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

I just want to tell my friend, the gentleman from Virginia (Mr. WOLF), that if he thinks we have fixed the Abramoff problem of this House by passing this legislation, I am sure that Jack is somewhere saying, Fooled again.

Now, I oppose this bill for the same reasons that the Traditional Values Coalition opposes the bill, namely, that we are not doing the complete job; and if we were, I would be here as an advocate. But this legislation only bans certain forms of online gambling, while expanding legal authorization for certain favored special interests, including betting on the lotteries and interstate horse racing.

This latter exception, the one reserved especially for the horse racing industry, is a great concern because in the last few months the horse racing industry has made it clear that they intend to use the carve-out to go after who, children, in order to encourage them to engage in online gambling. This is a big problem for me.

But could we not have figured this out without going to the Baltimore Sun or listening to the chief executive officer of the Maryland Jockey Club tell us about the decades-long slump in attendance and wagering at the track and the ability of the Internet to turn that around?

In response, Mr. DeFrancis declared, ''Over the 25 years I've been in this industry, not one day has gone by when I haven't heard people complaining that our customer base is getting older and we can't attract young people. And this gives us an opportunity to expand into the youth market unlike any we've ever had before.''

Do you not get it? With this carve-out, we are starting something that is a slippery slope, and it has been thankfully remarked on by a number of people here.

So, regardless of one's position with respect to whether or not Internet gambling should be banned, we can all, and should, agree that innocent children should not be taken advantage of when they go online. As is the case when it comes to protecting kids from pornography and other forms of online predators, children should be equally protected from those who make it their mission to encourage underage gambling.

So, for that reason, the bill goes in the wrong direction and threatens to make an increasing problem even worse.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE), the father of half this bill.

Mr. GOODLATTE. Mr. Speaker, first, I want to thank Chairman SENSENBRENNER for his long support of our efforts on this legislation. He is now in his sixth year as chairman of the Judiciary Committee, and this legislation even predates his strong leadership of the committee.

I want to thank most especially Congressman JIM LEACH of Iowa, who has worked very, very hard and very, very long in the Financial Services Committee to accomplish these same goals that we have worked on in the Judiciary Committee. Bringing these two bills together for the first time is a major accomplishment and provides the strongest bill that has ever been offered to deal with this scourge of Internet gambling.

I am also deeply grateful and indebted to the gentleman from Virginia (Mr. BOUCHER) who has been the lead Democratic cosponsor of the Judiciary version of the legislation with me for many years, as well, and I thank him for his efforts.

There are many Members on both sides of the aisle who have made great contributions, Congresswoman HOOLEY, Congressman CARDOZA of California, many other Members on the Democratic side who will join with us to finally pass this legislation.

Mr. Speaker, gambling on the Internet has become an extremely lucrative business. Internet gambling is now estimated to be a $12 billion industry, with approximately $6 billion coming from bettors based in the U.S. It has been reported that there are as many as 2,300 gambling sites, and the Department of Justice has testified that these offshore, fly-by-night Internet gambling operations can serve as vehicles for money laundering by organized crime syndicates and terrorists.

The anonymity of the Internet makes it much easier for minors to gamble online. In addition, online gambling can result in addiction, bankruptcy, divorce, crime and moral decline just as with traditional forms of gambling, the costs of which must be ultimately borne by society.

In fact, I have been contacted by a constituent in my district whose son fell prey to an Internet gambling addiction. Faced with insurmountable debt from Internet gambling, he took his own life.

We heard earlier from Congressman DENT and his constituent, whose son robbed a bank as a college student because he could not meet his Internet gambling debts, and the final thing that the father had to say just in today's Associated Press story, This bill would have definitely helped my son.

That is what we are about here today. As Congressman LEACH said, this is about protecting America's families.

Traditionally, States have had the authority to permit or prohibit gambling within their borders. With the development of the Internet, however, State prohibitions and regulations governing gambling have become increasingly hard to enforce as electronic communications move freely across borders.

Current Federal law already prohibits interstate gambling over telephone wires. However, these laws, which were written before the invention of the Internet, have become outdated. The Internet Gambling Prohibition and Enforcement Act brings the current prohibition against wireline interstate gambling up to speed with the development of new technology. It also makes clear once and for all that the prohibition is not limited to sports-related bets and wagers, and would provide Federal, State and tribal law enforcement with new injunctive authority to prevent and restrain violations of the law.

In addition, H.R. 4411 prohibits a gambling business from accepting certain forms of noncash payment, including credit cards and electronic fund transfers. In order to block transactions going overseas, the legislation also requires the Federal Reserve Board and the Treasury Department to issue regulations to help banks block illegal gambling transactions.

H.R. 4411 also protects the rights of citizens in each State to decide through their State legislatures whether to permit gambling within their borders. The regulation of intrastate gambling has always been within the jurisdiction of each State, and this bill leaves the regulation of wholly intrastate betting to the States with tight controls to ensure that such betting or wagering does not extend beyond their borders or to minors.

The opponents of this legislation have a lot to lose. Offshore, online gambling Web sites are cash cows, and the greed that propels these companies leads them to solicit bettors in the United States despite the fact that the Department of Justice already believes this activity is illegal. The greed that motivates many of these offshore establishments has also motivated nefarious lobbyists such as Jack Abramoff to spread misinformation about previous attempts of the Congress to ban online gambling.

Internet gambling is a serious problem that must be stopped. The Internet Gambling Prohibition and Enforcement Act will help eliminate this harmful activity before it spreads further.

This is legislation that was defeated by Jack Abramoff before. He is still out there with other lobbyists trying to do it again. Support the legislation. Defeat the amendment.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), an esteemed member of the Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I oppose the bill because it does not prohibit Internet gambling; it only tries to prohibit running an Internet gambling operation. But because of the nature of the Internet, it is probably unlikely to do that, and that is because even if we are successful in closing down business sites in the United States or in countries we can get to cooperate, it will be ineffective because it will have no effect on those operations run outside of the reach of the Department of Justice.

Furthermore, it does not prohibit illegal gambling, just running the operations so that gamblers will be as free as they are now to gamble over the Internet.

Further, Mr. Speaker, it provides a credit card prohibition. We heard from witnesses during our hearings that this will create an enforcement nightmare for financial institutions because it requires them to stop and look for illegal Internet gambling transactions.

□ 1300

It is hard to identify those transactions, because they are not going to be identified as an illegal Internet transaction. It will just be you may have a company with one code for all payments, even though the company may have many activities, including Internet gambling.

Just as Caesar's Palace has a hotel and a gaming operation, a foreign company may have a hotel and a casino and an Internet gaming operation which is legal in that country, all paid to a single account. What about e-cash or electronic payment systems, or an escrow agent located in another country? All the bank knows is that the payment came from PayPal or went to some escrow agent.

With some Internet gambling operations being legal, how would the final institution distinguish between what is legal and what is illegal? Furthermore, we should not overestimate the cooperation we might get from other countries. The Internet gambling Web sites were virtually unheard of a few years ago and now represent billion-dollar businesses and are growing at phenomenal rates.

Over 85 foreign countries allow some form of gambling online, and that number is likely to grow as well. So what governments are likely to cooperate with us in prosecuting businesses that they authorize to operate?

Even if we are successful in getting cooperation from some countries, it would simply increase the profit opportunities for sites located in uncooperative countries, especially those with whom the United States does not have normal diplomatic relations, and those sites would be unregulated with no consumer protections.

Again, we have heard these stories about the problems of Internet gambling. But this bill does not prohibit Internet gambling. It prohibits running the operation. If we wanted to be effective in prosecuting illegal gambling on the Internet, we would prosecute the individual gamblers. A few sting operations would get the word out that if

you gamble on the Internet, you will be caught, because the money trail will lead back to each individual Internet gambler.

So as long as individuals can gamble over the Internet with impunity, the market will be provided for them from some place.

Mr. Speaker, this bill does not prohibit Internet gambling, just tries to prohibit running the operation in a jurisdiction within the reach of the Department of Justice, then it sets up an impossible regulatory scheme, requiring banks to figure out which of billions of transactions might be related to illegal Internet gambling.

If we want to prohibit Internet gambling, let's debate that. Meanwhile, we should defeat this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding this time and commend him for his work on this measure.

Mr. Speaker, it has been my pleasure to work with our Virginia colleague, Mr. GOODLATTE, in introducing this bipartisan measure that is before the House today, which will crack down on the growing problem of illegal offshore gambling as well as illegal gambling that crosses State lines by way of connections to the Internet.

These activities take billions of dollars out of our national economy each year, serve as a vehicle for money laundering, undermine families, and threaten the ability of States to enforce their own laws. The time to approve a ban on Internet gambling has now arrived. The basic policy that we are promoting in this bill was adopted in the 1960s when Congress passed the Wire Act. That law makes it illegal to carry out a gambling transaction through use of the telephone network. We are modernizing the Wire Act to account for the arrival of the Internet as a communications medium by making it illegal to use the Internet for gambling transactions as well.

In view of the fact that people connect to the Internet by means other than telephone lines, and that a large amount of Internet traffic does not even touch the public switched telephone network, we think it is necessary to specify that prohibited traffic which crosses either the telephone network or the Internet is illegal under the Wire Act.

Our bill has now been joined with Mr. LEACH's measure, which inhibits financial transactions arising from Internet gambling. This bill is needed. It effectively attacks the growing problem of offshore gambling. It attacks the money laundering that often attends these activities. It strengthens the ability of States to prohibit or to allow gambling transactions as they desire within their borders.

It will enable States to enforce their own laws. I want to commend Mr. GOODLATTE and Mr. LEACH for their careful work on this measure. I am pleased to urge its adoption by the House.

Mr. CONYERS. Mr. Speaker, no one has worked harder on this bill than the gentlewoman from Nevada (Ms. BERKLEY), and I yield her 4 minutes.

Ms. BERKLEY. Mr. Speaker, I would like to thank Mr. CONYERS for his extraordinary efforts on this legislation.

Mr. Speaker, I rise in strong opposition to this legislation. Despite the misinformed and misguided claims of this bill's supporters, it would neither prohibit Internet gaming nor increase enforcement capabilities of the United States Government.

Instead, passing this bill will do the exact opposite. The millions of Americans who currently wager online will continue to use offshore Web sites out of the reach of U.S. law enforcement, and they will remain unprotected by State regulators who ensure the integrity of brick and mortar gaming establishments in this country.

I continue to be astounded by the Members of this body who constantly rail against an intrusive Federal Government; and yet when it comes to gaming, they are the first, the first to call for government intrusion.

A man's home is his castle unless he chooses to participate in online gaming. Then his home is the province of the Federal Government. This bill was recently included on the House Republicans' American Values Agenda.

Which American values is this promoting? It certainly cannot be the right to privacy. It certainly cannot be the right of individuals to be free to make their own decisions about what type of recreation to enjoy. And, yes, my colleagues, gaming is considered a form of recreation for millions of our fellow citizens.

Gaming is legal in this country in those States who choose to allow it and to regulate it. The vast majority of States do allow gaming and regulate it, whether it be lotteries, racing, card rooms, casinos, or bingo. This bill would make a legal activity illegal in those same States solely because it is done online rather than in a casino or in a church. In reality, the intent of this bill, and it is rather obvious, is to attack and outlaw legal gaming in our Nation.

Supporters of this bill argue that online gaming is a great danger to society and our youth because some people gamble too much and some underage people might access online wagering sites. By that logic, the next piece of legislation we should be considering is banning online shopping. Surely those who overspend their budgets online and young people who borrow their mom's credit card must be stopped by the long arm of Federal law enforcement.

Supporters of the bill before us today claim that their target is the offshore gambling operations that are sucking billions of dollars out of the United States, as Mr. GOODLATTE said. Indeed, Internet gaming has grown from a $3 billion industry in 2001, and it is projected to reach $25 billion by the end of the decade.

Americans account for as much as half of that amount. But there is nothing in this bill, let me repeat that, nothing in this bill that will shut down these offshore companies who operate legally in other countries. Like it or not, Americans who wish to wager online will find a way to do so.

The very nature of a free World Wide Web will continue to make online gaming available across the globe, including the United States. Under this bill, billions of dollars will continue to flow out of our country, with millions of Americans wishing to wager online. It is ridiculous, ridiculous to think this bill will actually stop online gaming. Just like Prohibition failed, this prohibition on gaming in the comfort of your own living room will fail as well.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise in support of this important bill to stop Internet gambling. Mr. Speaker, I do not have a problem with gambling; but the fact is that the Internet has grown, and gambling on the Internet has exploded. In 1995 the first online gambling site was born.

By 1999, that number had grown to 100 sites. Today there are more than 2,300 gambling Web sites. This increase in availability has mirrored an explosion in the amount of money spent on online gambling. In 1999, online gambling revenues were estimated at $1 billion. By 2002 that number had tripled to $3 billion. Today that number has quadrupled to $12 billion.

Within those $12 billion are stories of families that are finally ruined, and children that are addicted to gambling. We take this drastic action today because the problem of Internet gambling is so unique. Because it is so accessible and unregulated, Internet gambling is marketed to minors.

Now, I have been a leader in this institution in trying to prevent cigarette sales on the Internet. Why? Because if you go to try to purchase cigarettes at a convenience store, you have to demonstrate you are an adult or 18 years of age. When children can buy cigarettes on the Internet, they are able to get access. Young people, it is the same way with gambling. They cannot get in to brick and mortar casinos, but they can get onto a computer.

Because Internet gambling does not know borders or boundaries, it does not recognize State law, or any law for that matter. That is one of the reasons why 48 State attorneys general support the action that this Congress is taking today. Congress has a unique opportunity today to pass a strong anti-Internet gambling bill.

This bill does not do anything to affect legitimate gambling that is going

on in brick and mortar establishments. But the fact of the matter is when you allow unlimited, unregulated gambling, particularly in a country where States rely on gambling for revenues, but we see little money being spent on dealing with those people who have a problem, an addiction with gambling that has ruined literally thousands and thousands of lives across this country, we need to deal with this.

I urge my colleagues to vote for this bill and put the brakes on Internet gambling.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I want to just let me dear friend from Massachusetts know that this bill requires no age verification for minors to place horse racing bets.

Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I thank my colleague from Michigan. In all fairness to my friends and colleagues on this side of the aisle, I respectfully disagree with the concept.

Whether you are for or against Internet gaming, this bill is not going to change some realities. The reality, as has been mentioned here time and time again is close to $12 billion is being invested on the Internet. We are not sure who these folks are, but we know the bulk of them are somewhere in other parts of the world.

I would highly encourage that my colleagues in the House look seriously at my bill, which is H.R. 5474, that I cosponsored with SHELLEY BERKLEY from Nevada, my friend and colleague. It is an Internet gambling study. It is a comprehensive study that looks at government activities, existing legal frameworks. There is so much confusion for those that are using the Internet. I would highly encourage, this is a very complex issue that needs intense review in a bipartisan approach. We are not going to stop Internet gambling. It is illegal today. This bill is one more piece that is not going to be enforced. I encourage opposition to this bill.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker and ladies and gentlemen, H.R. 4411 is Abramoff's revenge. If he were still lobbying and not on the way to imprisonment, he and his former client would have no reason to panic about H.R. 4411, because that bill contains the loophole for State lotteries that he was hired to secure in 2000, which is why he opposed the bill then. And now that he has got it, he would be in support of the bill.

The supporters often note the defeat of his bill in 2000, and his role in that defeat, as the reason to enact this year's bill. Wrong. However, the supporters conspicuously fail to note that Abramoff's goal was to preserve the ability of his then clients to bring State lotteries onto the Internet. He only worked to defeat the Goodlatte bill when it was clear that State lotteries would not be exempt from the ban. He would be able and is able to rest easy today because we contain in this measure an amendment to the Wire Act that would allow States to sell lottery tickets online so long as certain minimal conditions are met, that is, that the State must specifically authorize online ticket sales.

Please, let's be real. Let's be candid. Let's be honest with the American people about what they were doing.

□ 1315

If we didn't have this loophole as big as a barn door, this bill would be a lot better off. And so H.R. 4411 is Abramoff's revenge. It is a bill that he could have supported in 2000. And though the passage of this bill is rationalized as a way to exorcise the demons of 2000 from the House, the reality is this bill serves his clients' interests. Please oppose this measure unless there are some changes made about it.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it puzzles me greatly to hear my distinguished friend from Michigan (Mr. CONYERS) call this bill Abramoff's revenge. There are no two Members of this body that fought Mr. Abramoff more strongly on this issue than the gentleman from Iowa (Mr. LEACH) and the gentleman from Virginia (Mr. GOODLATTE). And what side are they on? They are the sponsors of this bill, because they realize that we have to do something to curtail Internet gambling.

Now, this bill started out before I became the chairman of the Judiciary Committee. It is still around, and Internet gambling is growing by leaps and bounds.

Now, I think that they have struck a good compromise, they have struck a good balance, and they have come up with legislation that is practical not only in attempting to deal with the methods of payment for debts accrued through Internet gambling, but also through an amendment of the Wire Act to deal with this issue, since most transmissions over the Internet no longer even touch the public wire telephone and telecommunications system.

I think that they have done a good job in coming up with something that can be passed by both Houses and signed into law; and the executive office of the President and the Office of Management and Budget issued a statement of administration policy saying that the administration supports passage of this bill.

How come everybody who has been fighting for this issue, or almost everybody who has been fighting for this issue, wants to have the bill passed, and we see some folks from Nevada and elsewhere that don't? Vote ''aye'' on the bill.

Mr. SMITH of Texas. Mr. Speaker, I support this legislation. It protects families and upholds the rule of law.

Any gambling not currently regulated by the states is illegal in this country. To avoid such regulation, gambling organizations have established themselves offshore and have put their businesses on the World Wide Web.

And the Internet has given anyone who knows how to use a computer—including children—access to unlimited gambling.

Unfortunately, illegal gambling businesses are rarely prosecuted. These 24-hour-a-day businesses entice children and adults and can lead to addiction, criminal behavior, financial troubles, and worse.

What these Internet sites do impacts every American. Also, officials from the FBI recently testified that Internet gambling serves as a vehicle for money laundering activities by terrorists.

The Internet Gambling Prohibition and Enforcement Act simply updates current law to make sure that all methods of gambling, even those done using the latest and ever-changing technologies, are covered under the established law known as the Wire Act.

The bill does this while at the same time ensuring that a State has the right to regulate gambling that happens solely within that State's borders.

And H.R. 4411 marginalizes organized gambling by banning those businesses from taking checks, wire transfers, and credit cards in payment for illegal gambling.

Mr. Speaker, I thank Mr. GOODLATTE and Mr. LEACH for offering this legislation, and I urge my colleagues to support the bill.

Mr. SHAYS. Mr. Speaker, I rise in strong support of H.R. 4411, of which I am a cosponsor. This legislation would prohibit banks and credit card companies from processing payments for online bets.

I believe gambling is inherently dishonest and am opposed to it in any form. During my 14 years in the State legislature I voted against every gambling bill we considered.

Gambling financially cripples those who can least afford it—the poor—through the cruel and misleading lure of ''winning it big.''

I am concerned about the spread of gambling, especially among our children. We need to pause and rethink whether we truly want to legalize so many forms of gambling in so many areas of the country.

In my judgment, Internet gambling should be regulated the same way as traditional forms of gambling, as was recommended by the National Gambling Impact Study Commission.

Illegal acts should be prohibited wherever they occur—including cyberspace—and society clearly has the right to prevent cyberspace from being used for illegal purposes. I urge my colleagues to support this important legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I supported H.R. 2143, the Unlawful Internet Gambling Funding Prohibition Act, which passed the House by an overwhelming 319–104 vote in 2003. I also voted in favor of H.R. 3125, the Internet Gambling Prohibition Act, in 2000. I supported reforming Internet gambling then, and I am pleased that Congress has decided to take up this issue again today.

Current regulations on Internet gambling are out of date and ineffective. Forty-eight State Attorneys General have already written to Congress asking for Federal Internet gambling legislation, and many sports organizations have echoed their support. Although States

have passed laws attempting to stem the tide against Internet gambling, it continues to occur with greater frequency, with more and more Web sites being created daily that explicitly target our children. These sites not only take advantage of young Americans who have no means to pay their debts, but also encourage a dangerous, and possibly lifelong, addiction. Equally problematic, online gambling also serves as a tool for criminals to launder money and evade taxes. We must ensure that this stream of funding is closed to those who seek to do harm to the United States.

While it is essential to protect an individual's right to engage in legal and honest gaming, I also believe we have a duty to protect the public from abusive and fraudulent websites that take advantage of minors and exploit the system for their own gain. H.R. 4411 walks the fine line between these goals and provides law enforcement with the tools it needs to aggressively crack down on illegal gambling. I support this legislation and am pleased at its passage through the U.S. House of Representatives.

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

AMENDMENT OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore (Mr. LATHAM). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 109–551 offered by Ms. BERKLEY:

Page 13, strike line 12 and all that follows through line 18 on page 15.

Redesignate succeeding subsections accordingly.

Page 21, strike lines 21 through 23.

Redesignate succeeding subsections accordingly.

Strike section 106.

The SPEAKER pro tempore. Pursuant to House Resolution 907, the gentlewoman from Nevada (Ms. BERKLEY) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Speaker, I am pleased to join the ranking member of the Judiciary Committee, Mr. CONYERS, and my colleague from Florida, Mr. WEXLER, in offering this amendment.

Despite all the righteous indignation we are hearing about the supposed evils of Internet gaming, this bill specifically and brazenly exempts one giant gambling enterprise from its prohibition. This bill's advocates proclaim the immorality of online gaming and shout that it will destroy our society unless you are betting on horse races.

Mr. GOODLATTE asserts that his bill is neutral on the subject of interstate online pari-mutuel betting, but there is no getting around the fact that this bill very clearly and specifically states that online betting on horse racing is not prohibited.

And if you don't believe me, Mr. Speaker, let's look at what the National Thoroughbred Racing Association has said about the bill. In March of this year, after Financial Services approved the Leach bill, the NTRA issued a press release saying, ''The National Thoroughbred Racing Association has secured language in the unlawful Internet Gambling Enforcement Act to protect Internet and account wagering on horse races.''

Later in the same release, ''The NTRA worked with Congressman GOODLATTE to ensure that H.R. 4777 also contained language that protects online and account pari-mutuel wagering.'' That sounds pretty clear to me.

But wait, Mr. Speaker, there is more. After the Judiciary Committee approved both the Goodlatte and Leach bills in May, the Thoroughbred Times published an article titled, ''Gambling Bill Passes Committee With Racing Exemption Intact.'' The article states that the bill includes an exemption that would allow the United States horse racing industry to continue to conduct interstate account and Internet wagering. And, finally, it includes a quote from the NTRA spokesman who said, ''Not only did the bill pass by a significant margin, but three separate amendments to either slip out or substantially limit our exception were all defeated.'' It sounds to me like they think they got an exception in this bill.

The bill also includes another hypocritical exemption for intrastate lotteries that is highly ironic because, as has been stated here before, this exemption is exactly what the notorious felon, Jack Abramoff, wanted when he reportedly orchestrated the defeat of a similar bill several years ago because it had no exemption for lotteries. Mr. Abramoff, if he were here, would be laughing about this turn of events. I am sure his former clients are giddy.

Our amendment would strike the horse racing and lottery exemptions from this bill. Members who say they dislike Internet gaming have the opportunity to prove it by supporting this amendment.

If we do not adopt the amendment, then this entire debate is a farce, Mr. Speaker, because the Internet Gambling Prohibition and Enforcement Act before us does not completely prohibit Internet gaming. You want to outlaw Internet gaming? This body wants to outlaw Internet gaming? Well, let's do it. Let's test the mettle of our fellow colleagues.

I have heard many speakers talk about the special interests involved in this bill. Well, it seems to me that the most special interest is the Thoroughbred Horse Racing Association. They seem to have the most clout because they are the ones that got the exemption.

I ask all of my colleagues to join with me. If you are serious about outlawing Internet gaming, then let's really do it, and let's not carve out an exemption because it suits your purposes and your special interests.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in strong opposition to the amendment. This amendment impairs States' rights to regulate gambling within their borders and eliminates the protection in this legislation that prevents gambling from crossing State lines.

Now, what State has got the most gambling to export? I believe it is the State of the author of this amendment, the gentlewoman from Nevada. Congress has consistently found that States have the primary responsibility for determining what forms of gambling may legally take place within their borders, and this amendment infringes on that right and subverts this principle. Forty-nine of the 50 State attorneys general support a ban on Internet gambling. Guess which attorney general doesn't. It is the attorney general from Nevada, the same State as the sponsor of this amendment, my distinguished colleague the gentlewoman from Nevada (Ms. BERKLEY).

And, unlike previous versions of the Internet gambling bills, H.R. 4411 is neutral as it relates to the Interstate Horse Racing Act. The relevant provision in the legislation simply states that, if an activity is permitted under the Interstate Horse Racing Act, it would not be prohibited by this legislation. If someone wants to amend the Interstate Horse Racing Act, let them introduce a bill to do so and it will be considered by the Congress.

It has been the Justice Department's position that the existing Wire Act covers gambling on interstate horse racing. So what is the beef? If the Wire Act already covers it, then this bill does not touch what the Wire Act covers. The amendment is nothing less than a poison pill to this crucial legislation. I urge my colleagues to oppose the amendment.

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

Ms. BERKLEY. I would like to yield 2 minutes to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentlewoman for her amendment and for yielding to me, because the same Internet gambling legislation Abramoff fought so hard to defeat on behalf of a client that helped States conduct lotteries over the Internet now includes an exemption to protect those lotteries; and she speaks to this point in this amendment that she and I and the gentleman from Florida (Mr. WEXLER) now present.

If you are really for doing what you say you want to do, then what is wrong with this amendment? If we want to prohibit Internet gambling, let's do it completely. Let's not try to continue to fool the public.

The Hill article that I quoted went on to point out that ''in addition to exemption for lotteries, the measure also included language to protect interstate pari-mutuel betting on horse races.'' The existence of these latter carve-outs

have also been confirmed by members of the horse racing industry themselves.

The amendment that my colleagues and I join together to offer today merely seeks to prove, once and for all, that State lotteries and the horse racing industry are no better than any other form of Internet gambling.

And so I am proud to strongly urge my colleagues to support our amendment. Please support the amendment and an across-the-board ban for all forms of online gambling.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to Mr. GOODLATTE from Virginia.

Mr. GOODLATTE. Mr. Speaker, I rise in strong opposition to this amendment. A lot has been said here today about motivations. Well, I won't talk about motivations, but I will talk about consequences of this legislation, of this amendment.

The gentlewoman from Las Vegas, who has here on the floor lauded the merits of gambling, or gaming as she calls it, now offers an amendment to make this bill that we have fought for 8 years tighter and tougher on gambling? I don't think so. I will tell you that this is all about undoing what was done before.

The gentleman from Michigan tells us that this is what Jack Abramoff would love to see. But this is exactly the same method that Jack Abramoff used to derail this bill 6 years ago and 5 years ago, by arguing that the legislation was not strong enough on prohibiting gambling, when he was representing gambling interests, a whole host of gambling interests, offshore interests, lottery interests, a whole host of gambling interests. And that is what is being attempted here today.

This, Mr. Speaker, is an amendment that is clearly a poison pill designed to derail this legislation. Regardless of the intentions in offering it, 48 of 50 State attorneys general have come out in support of a ban on Internet gambling. An amendment such as this that restricts the right of States to continue to permit gambling within their borders is nothing more than an attempt to derail the bill by undermining the support from the States. That provision was in the previous versions of the bill; that provision is in this bill today, only it is even tighter.

The States have always had the right to allow or prohibit gambling within their borders. H.R. 4411 continues to ensure that States have that right, while imposing strict safeguards to ensure that the activity stays within State borders and does not extend to other States. These safeguards include requiring that the bettor, the gambling business, and any entity acting with a gambling business to process the bets and wagers all be physically located within the authorizing State, and that age and residence requirements are effective and in place.

□ 1330

Everyone knows that there is no technology that enables that to be done on the Internet and, therefore, there is no exception on this legislation for lotteries or any other form of State gambling on the Internet.

Furthermore, H.R. 4411 gives new authority to State and Federal law enforcement to enforce the provisions of this bill to ensure that States comply with the safeguards established in the bill and that the law is enforced to the greatest extent possible.

The Berkley-Conyers-Wexler amendment would limit what a State can do exclusively within its borders and infringes on the rights of the States that have always had the opportunity to create and enforce their own gambling laws.

This amendment also deletes crucial language in the bill supported by the Department of Justice and the horse racing industry that maintains neutrality with respect to the Intrastate Horse Racing Act, a separate Federal statute that is not a part of this legislation unless you allow the supporters of this amendment to inject it into this bill.

This amendment is nothing more than a poison pill that would kill this strong bipartisan legislation, and I urge my colleagues to vote ''no'' on the Berkley amendment.

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

I absolutely am flabbergasted by the righteous indignation being displayed on the other side of the aisle, and it shocks my conscience hearing what I am hearing.

If the gentleman from Virginia is so intent on banning Internet gaming, well, then he should be supporting my amendment. Better yet, I should not have had to introduce an amendment. It should have been included in his original legislation.

If we are serious about banning gaming, then we should ban all forms of gaming, and I can't possibly imagine why he would be opposed to that. When he says it is a poison pill, why, because the horse racing association told him they would fight this if he brought in legislation that had this included and didn't make an exemption out of it?

I am absolutely astounded also by the other gentleman from Virginia (Mr. WOLF), whom I don't think would be offended if I said that he was opposed to gaming of any form. But I find it incomprehensible that in the year 2000 Congress approved a provision allowing online betting on horse racing, and during consideration of the bill on the floor, Mr. WOLF made a statement in which he said, ''This provision deeply troubles me, and would expand gambling at a time when men and women are becoming addicted to this process.'' Now he seems to be okay with the Leach-Goodlatte amendment which specifically exempts the activity made legal by this 2000 provision.

Now, if we want to let the States retain control of this issue, we should not be voting on doing this bill at all. It makes no sense. I would say that we are interfering with the States' rights, not helping them out.

And if you are arguing that the bill is neutral on horse racing, then why is it even mentioned in this bill? And why does the Thoroughbred Horse Racing Association think they have an exemption? Is Mr. GOODLATTE willing to stand up here and make a statement for the record that the Thoroughbred Horse Racing Association and horse racing is exempt and the Department of Justice can go after them and shut them down? I don't think so.

And if you had an opportunity to go online, as I did just yesterday, and looked at the horse racing Internet sites, it is page after page after page. Anybody can log on. Anybody can place a bet. And I don't see any way to prevent children, and I don't see any way of keeping people from spending their hard-earned money on that.

This creates a huge exemption which we will have no control of, and totally, in my opinion, undermines the bill and makes a mockery and a farce of what we are doing here today, or supposed to be doing here today.

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

Mr. SENSENBRENNER. Mr. Speaker, to demonstrate that all of the opposition to the amendment doesn't come from this side of the aisle, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER), a very loyal Democrat.

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding to me, and I do rise in opposition to this amendment.

The underlying bill contains a carefully negotiated balance which reflects existing laws that allow States to control gambling activities within their borders. The gentlewoman's amendment strikes that carefully negotiated balance. Its adoption would doom the bill. To those who support passage of the bill and a ban on Internet gambling, I urge a ''no'' vote on this amendment.

Forty-eight of 50 State attorneys general have announced support for a ban on Internet gambling. But if the amendment that is offered by the gentlewoman passes and States lose the authority over gambling within their borders, the bill will fail because State support for it will be withdrawn.

The bill is very clear on what authorities States will retain. States have traditionally been empowered to prohibit or allow gambling within their borders. The bill continues to give States that right while imposing strict safeguards to assure that gambling stays within a State's border and does not extend to other States.

Those safeguards require that the bettor, the business conducting the gambling operation, any services that support the wagerers and other support services must be in the authorizing

State. Horse racing would continue to be governed by existing Federal law, and that is the Intrastate Horse Racing Act that has been on the books now for almost 30 years.

Mr. GOODLATTE's bill strikes a careful balance that respects States' rights and existing law. Don't upset that balance. Defeat this amendment and allow the bill that bans Internet gambling to pass.

Ms. BERKLEY. Mr. Speaker, may I inquire as to how much time we have left?

The SPEAKER pro tempore. The gentlewoman from Nevada has 1½ minutes, and the gentleman from Wisconsin has 2½ minutes.

Ms. BERKLEY. I yield 45 seconds to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding to me yet again, but I have something that I will ask unanimous consent to put into the RECORD.

''Horse racing is betting on Internet wagering. Maryland industry chief DeFrancis says it could attract youth.''

Now, maybe they don't understand their business as well as some of you here do, who think that they are mistaken when they think they have an exemption.

''Horse racing's problem is obvious: A decade's-long slump in attendance and wagering at the track. Horse racing's solution might be less obvious: Get people to stay home and bet.''

Mr. Speaker, I ask unanimous consent that the article be included in the RECORD.

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

There was no objection.

[From the Baltimore Sun, May 15, 2006]

HORSE RACING IS BETTING ON INTERNET WAGERING

(By Bill Ordine)

Horse racing's problem is obvious: a decades-long slump in attendance and wagering at the track.

Horse racing's solution might be less obvious: Get people to stay home—and bet.

In a seemingly paradoxical and counterintuitive turn, online technology, which would appear to discourage going to the races, is being viewed as a potential lifesaver for a sport on life support.

''Over the 25 years I've been in this industry, not one day has gone by when I haven't heard people complaining that our customer base is getting older and we can't attract young people,'' said Joseph A. De Francis, chief executive officer of the Maryland Jockey Club and executive vice president for operations of interactive betting channels for parent Magna Entertainment Corp. ''And this gives us an opportunity to expand into the youth market unlike any we've ever had before.''

When the 131st Preakness Stakes is run Saturday at Pimlico Race Course in Baltimore, advanced-deposit wagering—the broader category of which online betting forms the greatest share—is expected to make up a growing portion of the bottom line. So-called ADW handle, meaning the money wagered, comes from bettors using telephones and other interactive devices as well as computers.

Last year, ADW handle accounted for $39 million, or nearly 8 percent of the total for racing at Pimlico and Laurel Park, according to the Maryland Jockey Club, which runs the tracks. Nationally, of the $14.6 billion wagered on horse racing in 2005, approximately 88 percent was off-track, and ADW handle was about $1.16 billion, according to data published by the Oregon Racing Commission.

During this year's Kentucky Derby Day, Youbet.com—the largest provider of Internet racing content in the country—processed nearly $5.6 million in wagers, a 34 percent increase over 2005.

Horse racing and online wagering officials say the near-term consequence of online betting is an increase in the racing industry's overall handle. But just as important, they contend, is that in the long run, people who are introduced to horse racing via the computer will be enticed to see the real thing more often.

Racing hopes to follow the lead of poker, where card-playing Web sites, along with televised tournaments, inspired a rejuvenation of poker playing at brick-and-mortar casinos.

''If you find a shoe that fits—steal it,'' said Youbet.com CEO Chuck Champion. A publicly traded company based in California, Youbet.com handled about $395 million in wagers last year, according to the company's annual report. Youbet.com's business plan calls for the company to retain 6 percent of the handle, and tens of millions of dollars were passed on to the racing industry last year.

Champion said a number of strategies employed by offshore gambling sites, which often include betting opportunities beyond horse racing, such as team sports and casino games, provide other lessons. One is to offer a nongambling version of a Web site (usually designated as a .net rather than a .com) to educate the public with tutorials and play-money games. Such Web sites also allow operators to get around federal bans on advertising for Internet gambling, especially on television.

Youbet.com has introduced such a .net version.

''Our sport is harder to understand than poker,'' Champion said, referring to the nuances of handicapping.

De Francis, who oversees Magna Entertainment's similar Web site, XpressBet, said people unfamiliar with poker usually would be too intimidated to play in a casino, but the online playing experience gives them the confidence to try the real thing.

''I've seen people come to the track—you'll see them at the Preakness next Saturday—and these are smart people, but they're not regulars, and they don't know what to do. They don't know what an exacta is, what across-the-board means, what a furlong is—and they don't want to look foolish,'' De Francis said. ''If they learn about these things online in their home, then we may have new fans.''

Some are not convinced that online bettors will become regular railbirds.

Hall of Fame trainer D. Wayne Lukas, a spokesman for Youbet.com, is sold on the benefits of online wagering for his industry but wonders about its impact at the track.

''We thought simulcasting would help with attendance, and I'm not sure that happened,'' he said. But he said online wagering is a necessary adaptation.

''We always worry about handle, but there's also the issue of a fan base that we have to grow,'' he said. ''I had always said that people relate to the horses. But now, the thing that young people relate to is the technology.''

And technology is what drives online horse wagering. The most sophisticated Web sites offer a menu of entertainment and information choices. A Web visitor can view the racing charts for dozens of racetracks, watch the races—both live and on replay—and wager on the outcomes.

''As we head toward what technology people call convergence between the computer and the TV, what we have at the end of the line is a product that appears to be ideally tailored for horse racing,'' De Francis said. ''Where someone goes online, and with a high-resolution LCD screen, can see the post parade and get all the information needed to make an informed wager.''

Still, there are obstacles posed by legal complexities at home and by illegal (in the United States) competitors offshore.

While the horse racing industry contends that federal legislation enacted in 1978 and amended in 2001 gives the green light to online wagering in states where it is legal, the Department of Justice holds that pre-existing statutes make the practice unlawful.

Last month, a Justice Department lawyer told a congressional subcommittee that the department is undertaking a civil investigation of a potential violation of law on interstate horse betting.

A department spokesman said there have been no prosecutions involving horse racing advanced deposit wagering operators.

Web sites also have varying approaches for individual states. For instance, Youbet.com will accept wagers from bettors who live in all but 11 states. TVG.com, owned by publicly traded Gemstar-TV Guide International, takes wagers from bettors in only 12 states. Both take bets from Maryland residents.

And there is formidable competition from offshore Internet sites that generally operate without U.S. legal constraints. One of the most popular, Bodog.com, which has a marketing partnership with Preakness-bound Brother Derek's racing team, reported in a news release a 100 percent year-over-year growth in betting volume for the Kentucky Derby without being specific about the figures.

De Francis concedes that offshore Web sites are ''killing'' the onshore competition because they offer rebates, give bettors the chance to gamble on other sports and extend credit. And little of the millions made offshore finds its way to the racing industry.

Still, he considers regulated online wagering important for horse racing.

''It's really the future,'' De Francis said. ''When you look at the [wagering] numbers, you see us going from zero to something that's beginning to be significant. And if you plot that curve, there's no telling where the numbers will be in 10 years.''

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman.

I rise in strong opposition to the amendment. It will gut the bill. If you want to kill this bill, hurt this bill, this amendment will do it. This is a poison pill. Mr. GOODLATTE was right. God bless Mr. GOODLATTE for staying in there. He is right.

Members have been manipulated in the past. The question is, and I think the answer is, this Congress is not made up of people who are so stupid and able to be manipulated, and so my sense is that this Congress, when given an opportunity, will not allow this outside lobbyist, the outside groups to manipulate it again.

I urge a ''no'' vote on the Conyers amendment and an ''aye'' vote and passage of the bill.

Ms. BERKLEY. Mr. Speaker, I have heard a lot today about a carefully negotiated balance in this bill. I would like to know who was involved in this negotiation. I certainly wasn't. Was the horsing racing industry involved? Apparently, they were. Talk about a special interest. The lotteries? Jack Abramoff, perhaps? Because they are all getting exactly what they want with this piece of legislation.

I would like to urge a little honesty on the floor today and urge my colleagues to support the Berkley-Conyers amendment. If you are serious about banning Internet gaming, well, then, let's ban it and let's not make a major exception that can drive a truck through this.

I urge all my colleagues, before you vote on this, go online. Check out horse racing online and see the pages and pages of online betting that you can do when it comes to racing horses. There is no excuse and no reason for this exemption other than you couldn't cut a deal with the horse racing industry, so you exempted them.

I urge everyone to vote for the Berkley amendment and against the Goodlatte bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let's forget about who is on which side of this legislation and this amendment here in the House of Representatives, and let's look at the fact that 49 out of the 50 State attorneys general support this legislation. They are not in the back pocket of any industry. They are all elected, or most of them are elected by the people, and they are the chief law enforcement officers of their respective States. They say we need this legislation and they support this legislation and oppose the amendment.

The only State attorney general that doesn't is the State attorney general of Nevada. Now, which State has got the most gambling to export across State lines into other States? I would submit it is Nevada. Which State doesn't have horse racing and doesn't have a State lottery to export? It is Nevada, among others.

So I give the gentlewoman from Nevada a lot of credit for representing her State and her constituents. I don't think that is the priority of the other 49 States. It certainly is not the priority of their State attorneys general, and we ought to vote down this amendment.

Mr. SWEENEY. Mr. Speaker, I rise today in opposition of the Berkley amendment. This amendment would outlaw all gambling online throughout the United States. This is unnecessary and would hurt the domestic horseracing industry. The domestic horseracing industry is already regulated. This amendment would put unnecessary burdens on an industry that operates above board.

A provision allowing for legal horse gambling domestically and opening the door to allow horse gambling over the Internet is included in this bill. Regulated by States though the Interstate Horseracing Act, IHA, this provision was agreed to by the Justice Department and the domestic horseracing industry.

The primary focus of H.R. 4411 is to curb illegal—primarily offshore—wagering, not regulate further the domestic horse industry. We need to allow the States to continue regulating horseracing via State racing commissions or legislatures.

Currently, ongoing discussions are occurring between Justice Department and the horseracing industry concerning horse race gambling over the Internet. The Berkley amendment would prevent this review from continuing.

The horseracing industry is a massive economic engine in our Nation, providing $26 billion in economic activity and maintaining over 1 million jobs. In my district alone, which is home to the Saratoga Racetrack, the oldest thoroughbred track in the country, the horseracing industry brings in over $70 million into the local economy. If this amendment passes, hardworking individuals would certainly lose their jobs. The industry sustains more than 40,000 people across my home State of New York, over 10,000 in my district.

The industry supports a large sector of small businesses and is the reason for the existence of more than 400 New York State breeding farms. During the 2005 season alone, the Saratoga Racetrack attracted 1 million people, who wagered approximately $145 million. That equates to 1 million people in Saratoga spending $70 million at local restaurants, stores and various other attractions. These people make Saratoga the jewel of upstate New York that it is. We ought not to punish a legitimate industry that is already regulated.

This is a responsible industry that provides jobs, pumps money into our economy and is already regulated. I urge a ''no'' vote on this amendment.

Mr. SENSENBRENNER. I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 907, the previous question is ordered on the bill, as amended, and on the further amendment by the gentlewoman from Nevada (Ms. BERKLEY).

The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the order of the House of today, further consideration of H.R. 4411 will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

TO STUDY AND PROMOTE THE USE OF ENERGY EFFICIENT COMPUTER SERVERS IN THE UNITED STATES

Mr. ROGERS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5646) to study and promote the use of energy efficient computer servers in the United States, as amended.

The Clerk read as follows:

H.R. 5646

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

SECTION 1. STUDY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, through the Energy Star program, shall transmit to the Congress the results of a study analyzing the rapid growth and energy consumption of computer data centers by the Federal Government and private enterprise. The study shall include—

(1) an overview of the growth trends associated with data centers and the utilization of servers in the Federal Government and private sector;

(2) analysis of the industry migration to the use of energy efficient microchips and servers designed to provide energy efficient computing and reduce the costs associated with constructing, operating, and maintaining large and medium scale data centers;

(3) analysis of the potential cost savings to the Federal Government, large institutional data center operators, private enterprise, and consumers available through the adoption of energy efficient data centers and servers;

(4) analysis of the potential cost savings and benefits to the energy supply chain through the adoption of energy efficient data centers and servers, including reduced demand, enhanced capacity, and reduced strain on existing grid infrastructure, and consideration of secondary benefits, including potential impact of related advantages associated with substantial domestic energy savings;

(5) analysis of the potential impacts of energy efficiency on product performance, including computing functionality, reliability, speed, and features, and overall cost;

(6) analysis of the potential cost savings and benefits to the energy supply chain through the use of stationary fuel cells for backup power and distributed generation;

(7) an overview of current government incentives offered for energy efficient products and services and consideration of similar incentives to encourage the adoption of energy efficient data centers and servers;

(8) recommendations regarding potential incentives and voluntary programs that could be used to advance the adoption of energy efficient data centers and computing; and

(9) a meaningful opportunity for interested stakeholders, including affected industry

stakeholders and energy efficiency advocates, to provide comments, data, and other information on the scope, contents, and conclusions of the study.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that it is in the best interest of the United States for purchasers of computer servers to give high priority to energy efficiency as a factor in determining best value and performance for purchases of computer servers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the digital economy is on the move, and we have got some great news for Michigan, a State that is very automotive dominated, with Google announcing 1,000 jobs over the next 5 years this morning to be located right outside my district in Ann Arbor, Michigan. This is a great and important, I think, announcement for our State, which has had a little bit of economic trouble, but is now embracing this new wave of digital innovation, the digital economy, the IT economy, as it spreads around this great country.

With that come some serious concerns for the IT community, for those who are involved in the digital economy, and for those of us, all of us, who depend on energy use.

According to industry analysts, the U.S. server market is expected to grow from 2.8 million units in 2005 to 4.9 million units in 2009, a growth rate, Mr. Speaker, of almost 50 percent. Data center energy costs are expected to soar, as companies deploy greater numbers of servers consuming more power and, in the process, emitting more heat that needs to be dissipated.

□ 1345

Data center electricity costs are already in the range of $3.3 billion annually. Improved energy savings in servers will help the United States meet its energy demands to stay competitive in the global economy without having to build new generating facilities. If done right, Mr. Speaker, that is power lines that won't have to be built, it is power plants that won't have to be built just to meet the demands of what is a growing part of our economy, and that is these data centers as applies to the IT or digital economy.

Interesting, if you take a small 100,000 square foot, which is not so small, actually, annual utility cost for a data center or a server farm, it is nearly $6 million. If done right, efficient servers can result in as high as an 80 percent reduction in electricity demand. That is $4.8 million in savings if we can reach that goal. That means jobs, innovation, expansion. It means taking the money and investing it in people versus electricity or energy costs. That is a win for everybody.

Mr. Speaker, this is a commonsense conservation bill that will work to reduce the need for new power plants and new transmission lines in each of our districts by driving down demand for electricity and allowing the expansion and growth of the digital economy.

There are a great number of organizations who have stepped up to support H.R. 5646, and I would like to name just a few: the Alliance to Save Energy, American Electronics Association, American Council for an Energy Efficient Economy, Electronic Industries Alliance, Information Technology Industry Council, Semiconductor Industry Association, and TechNet.

The legislation is very straightforward. It calls for a study in our ability to get ahead of this very, very important problem looming before us, and that is the expanded use of energy.

Finally, I want to thank Ms. ESHOO for her help and support and assistance in this effort, as well as that of her staff, who have worked diligently with my staff to help put this together in a timely fashion to help meet the needs of this new and exciting American economy.

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

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

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

Mr. BOUCHER. Mr. Speaker, I rise in support of H.R. 5646, a measure which will require the Environmental Protection Agency to conduct an analysis of the energy effects of the expanding use of computer servers and the concentration of computer servers in large data centers. Computer server use is rapidly growing at a rate that is estimated to be 50 percent over a mere 5 years. Servers are now used in virtually every business and every government office. And now companies with large information processing needs are aggregating servers into large data centers.

The growing use of servers has an energy consequence, and it is now estimated that server operations consume electricity valued at $3 billion annually. In our ongoing efforts to become a more energy-efficient Nation, it is appropriate that we focus on ways to encourage more energy-efficient computer servers.

The Environmental Protection Agency and the Department of Energy are charged with the administration of the Energy Star program, which identifies and labels energy-efficient technologies in a number of business and household products. Use of more energy-efficient products enables residential and commercial energy consumers to lower their electricity costs and also to lessen the overall national demand for electricity.

H.R. 5646 would facilitate and advance the ongoing efforts of the Environmental Protection Agency, of technology companies, and nongovernmental organizations to determine how best to measure the energy efficiency of data centers with the goal of identifying and labeling as an Energy Star product the most efficient computer server technologies.

This measure provides appropriate guidance to the EPA for use in conducting an analysis of the energy consumption of computer data centers, as well as for the identification of potential cost savings that could be achieved by identifying through the Energy Star program energy-efficient computer server systems for use in data centers.

I want to commend the gentleman from Michigan (Mr. ROGERS) and also the gentlewoman from California (Ms. ESHOO) for their careful and thorough work and for their creativity in bringing this innovative and very timely measure to the floor. It is my privilege, Mr. Speaker, to urge its passage by the House.

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

Mr. ROGERS of Michigan. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my colleague, Mr. ROGERS from the Energy and Commerce Committee, for the work he has done on this bill. I am proud to be the Democratic lead on it. I think it is a very important step for the Congress to take. Obviously, I urge all of my colleagues to vote for it.

The bill, as you have heard, directs the EPA to study the energy efficiency of computer servers and data centers within our government, the United States Government, as well as the private sector.

Data centers are facilities that house large amounts of electronic equipment, primarily computer servers that handle data for large and complex operations which continue to grow daily in our country.

These facilities can occupy an entire room, an entire floor, or an entire building. According to industry estimates, the average annual electricity cost of running a single data center is about $6 million a year, and the cumulative energy costs for these centers is about $3.3 billion a year. So the energy demands of these operations are going to continue to grow.

They are going to continue to expand as the market for servers is expected to expand by about 50 percent over the next 5 years. And of course the by-word of this Congress and I think future Congresses is going to be energy conservation, energy conservation, energy conservation.

The EPA, high-technology companies, and nongovernmental organizations have discussed how to measure efficiency of these data centers with an eye toward providing an Energy Star rating for the most efficient technology. It has worked with other industries. It really has been a motivator. Anyone who goes out to buy appliances for their home, you look for the energy-efficient label, and that has done much to conserve in our country.

I think the study that this bill calls for will advance this, as well as helping consumers, businesses, and the government to identify the most efficient technology to meet their needs.

The bill, H.R. 5646, has the support of high-technology companies, of environmental groups, of energy companies, including the Alliance to Save Energy, the AEA, TechNet, SIA, EIA, and the ITIC.

I want to thank Mr. ROGERS for accepting the changes that we suggested to the bill as reported by the Energy and Commerce Committee. I think the changes are going to ensure that the EPA will continue to seek input not only from industry stakeholders, but from environmental groups and outside efficiency experts.

We have also taken steps to ensure that the EPA examines the features and the capabilities of computer data centers in its report, and that the EPA has adequate time to prepare this study.

I thank Mr. ROGERS for working so hard to make sure this comes to the floor. I urge all of my colleagues to support it. This is a good bill. It is an important step.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, along with my colleague, the gentlewoman from California (Ms. ESHOO), I represent Silicon Valley and we certainly know the need for this legislation in Silicon Valley. As Ms. ESHOO has indicated, this bill has the support of the high-tech sector, and for a very good reason.

According to a recent report, 41 percent of Fortune 500 IT executives identified power and cooling problems for their data centers. In my own district in San Jose, we had a server farm that wanted to go in. Everybody wanted it. We had to build a power plant to actually accommodate the server farm. We are looking for energy efficiencies in this sector.

We know that climate change threatens the security and stability of our planet and economy, and everything we can do to reduce power consumption and sustain energy independence is a good thing for our planet and for our society.

I would just note that we have come a long way since I was a youngster when computers took up a room and we had punch cards and the heat and power drag was incredible. If we can reduce power consumption, we can up efficiency and production as well. This bill is a good step. The Energy Star program does not include this sector today, so this is an important step forward.

I hope that this measure will be supported by a wide margin in the House. There is no reason in the world that I can think of that any Member of this House should not vote for it. I commend Members on both sides of the aisle for their leadership in bringing this forward.

Mr. BOUCHER. Mr. Speaker, we have no further speakers at this time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 5646, as amended.

The question was taken.

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

Mr. ROGERS of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

AMENDING PUBLIC HEALTH SERVICE ACT WITH RESPECT TO NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 655) to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, as amended.

The Clerk read as follows:

S. 655

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

SECTION 1. NATIONAL FOUNDATION FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION; ACCEPTANCE OF VOLUNTARY SERVICES; FEDERAL FUNDING.

(a) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES; STRIKING TWO-YEAR LIMIT PER INDIVIDUAL.—Section 399G(h)(2)(A) of the Public Health Service Act (42 U.S.C. 280e–11(h)(2)(A)) is amended by striking the second sentence and inserting the following: ''In the case of an individual, such Director may accept the services provided under the preceding sentence by the individual until such time as the private funding for such individual ends.''.

(b) REPORTS.—Section 399G(h)(7) of the Public Health Service Act (42 U.S.C. 280e–11(h)(7)) is amended—

(1) in subparagraph (A), by inserting '', including an accounting of the use of amounts provided for under subsection (i)'' before the period *at the end of the second sentence*; and

(2) by striking subparagraph (C) and inserting the following:

''(C) The Foundation shall make copies of each report submitted under subparagraph (A) available—

''(i) for public inspection, and shall upon request provide a copy of the report to any individual for a charge not to exceed the cost of providing the copy; and

''(ii) to the appropriate committees of Congress.''.

(c) FEDERAL FUNDING.—Section 399G(i) of the Public Health Service Act (42 U.S.C. 280e–11(i)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''$500,000'', and inserting ''$1,250,000''; and

(B) in subparagraph (B), by striking ''not more than $500,000'' and inserting ''not less than $500,000, and not more than $1,250,000''; and

(2) by adding at the end the following:

''(4) SUPPORT SERVICES.—The Director of the Centers for Disease Control and Prevention may provide facilities, utilities, and support services to the Foundation if it is determined by the Director to be advantageous to the programs of such Centers.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 655, legislation to make needed improvements to the CDC Foundation. The CDC Foundation is a private, nonprofit foundation established by Congress in 1992 to help the Centers for Disease Control and Prevention fulfill its mission on protecting health and promoting safety. It is located in my State of Georgia. The CDC Foundation is a unique private-public partnership that supports the important work of the CDC both here in the United States and around the world.

When public health emergencies strike, the CDC Foundation harnesses the know-how of the private sector to fill the gaps and get around government red tape, helping to keep Americans safe from harm.

To fulfill its mission, the CDC Foundation relies heavily on the ingenuity and resources of private donations. In the 11 years since its incorporation, the CDC Foundation has raised more than $100 million in private donations from individuals, corporate partners, and other foundations. With the relatively small Federal investment of half a million dollars per year for operating expenses, the CDC Foundation has been able to leverage over $15 million per

year in private funds over the last 5 years. This represents an amazing 30-to-1 return on the Federal investment.

These funds allow the foundation to manage over 100 programs that work directly with the CDC and the United States in over 30 countries around the world.

□ 1400

The CDC Foundation helps to bring an international focus to the work of the CDC that is having a direct impact on the health of U.S. citizens here at home. When deadly infections like SARS or bird flu arise in distant parts of the world, the world-renowned expertise of CDC experts can play an important role in disease monitoring and prevention. Effective intervention at the source can stop these diseases in their tracks, preventing them from ever reaching our soil.

With help from the CDC Foundation, experts at the CDC train local public health officials from around the world, offering valuable resources and expertise to fight deadly infections and save lives.

But the CDC Foundation doesn't just protect Americans by supporting overseas activities. Here in the United States the Foundation gives CDC needed flexibility during public health emergencies. In the aftermath of Hurricane Katrina last year, for example, the lack of computers and Internet access was hampering the CDC's work in detecting and containing potential disease outbreaks among Houston-area hurricane evacuees. Thanks to the ready availability of CDC Foundation funds, these CDC teams were able to cut through the red tape and purchase the equipment they needed to get the job done.

Furthermore, the CDC Foundation is served by an outstanding internationally renowned board of directors that draws its members from the corporate, philanthropic, educational and public health sectors. These leaders have served ably in bringing about both accountability and flexibility to this unique public-private partnership. And I would urge the support of this legislation today.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Ranking Member DINGELL and our ranking member of the subcommittee, SHERROD BROWN, for allowing me to manage the bill.

I rise in support of this legislation which the Energy and Commerce Committee reported out last month. This legislation makes minor changes in the National Foundation for the Centers for Disease Control and Prevention so that it can have the flexibility it needs to build on its success to date.

First authorized by Congress in 1992, the CDC Foundation is an excellent example of a public-private partnership that can yield tremendous results with minimal taxpayer investment.

Specifically, the Foundation has utilized $500,000 in Federal funding to bring in approximately $15 million in private sector dollars each year. This amounts to a 30-to-1 return on CDC's annual investment in the Foundation.

With this funding, the CDC Foundation has implemented more than 100 health and safety programs in over 30 countries. These programs stretch across the world and reach all levels of society from corporate leaders and health care professionals to patients.

For example, the Foundation has addressed global health concerns with the Round Table on Global Health Threats, which brought global government and corporate leaders together to develop ways to better detect global health threats.

The Foundation has also been instrumental in the establishment of a health leadership academy that provides management training for midcareer health care professionals from local and State health departments.

The CDC Foundation has also improved the health of underserved women here at home through its mobile mammogram van. This partnership with Avon has put mobile vans on the ground in rural and underserved communities. There is no question that these vans have saved the lives of American women who face significant barriers to health care and whose cancer would have most likely gone undetected until it was too late.

What's more, the CDC has now assigned a scientist to the program to evaluate the program and determine the best practices for similar programs around the country.

This bill makes minor changes in the Foundation's authorization that will have a major impact on the Foundation's ability to leverage its resources and maximize the outcome. For example, the bill increases the authorization levels the CDC director can put toward the Foundation. This change will provide the CDC director with the flexibility to increase CDC's investment in the Foundation, but not at additional taxpayer expense, since the CDC's contribution to the Foundation is not appropriated, but comes from the director's budget.

The bill would also allow for better alignment of private fellowships and Foundation activities. Currently, fellows may be assigned to the Foundation program for 2 years, despite the program's duration of 3 to 4. This small change will allow fellows to remain throughout the program's duration, providing the program with invaluable institutional memory and increased efficiency, which will no doubt improve the outcomes.

This is a commonsense bill that will improve the public-private partnerships that are so important to the current success of the CDC Foundation.

I encourage my colleagues to join me in supporting this bill and ensure we build on this success in the future.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to my colleague from Georgia (Mr. LINDER), who is the sponsor of the House version of this same bill that we are now considering from the Senate.

Mr. LINDER. Mr. Speaker, I rise in support of House passage for S. 655 and I urge my colleagues on both sides to join me in supporting the measure.

S. 655 closely mirrors legislation I introduced in the House last year, H.R. 1569. Both of these measures seek the same objective, to make very few limited changes to current Federal law governing the National Foundation for the Centers for Disease Control and Prevention.

In light of the fact that the U.S. Senate approved an amended version of S. 655 last July, I worked with my friend and colleague from Georgia (Mr. DEAL), the chairman of the Energy and Commerce Subcommittee on Health, to bring this measure to the floor today. I commend him for all of his work on this project, and express my appreciation for his support and leadership on health policy matters, including the CDC.

The legislation before us today, S. 655, would allow research fellows at the Foundation to remain in their positions for as long as their privately funded fellowships remain in effect. Currently, such fellowships must end after 2 years.

Second, the bill gives the director of the CDC authority to provide facilities, utilities and support services to the Foundation, provided that doing so furthers the CDC's public health mission.

Third, it would allow the Secretary of HHS, on behalf of the CDC, to make up to $1.25 million in funding available to the Foundation each year, an increase from the current law level of $500,000.

This bill passed the Senate by unanimous consent and has moved quickly through Energy and Commerce. The important part is the raising the funding part. For every dollar in public funds, the Foundation generates $30 in nongovernmental funding from the private sector. For example, GlaxoSmithKline Biologicals paid $30,000 for an Asian rotavirus surveillance network meeting.

Kaiser Foundation Hospitals gave $2 million to emergency preparedness and the response fund.

Sanofi Pasteur paid $1.5 million for a meningcoccal vaccine study.

Wyeth Pharmaceuticals paid $3 million for a study of the blood inhibitors in hemophilia patients. These were of parochial interest to these corporations, but of general interest to the public health, and have been helpful to all of us.

In short, the Foundation leverages a modest amount of public money and uses that to generate a large amount of private nongovernmental support for the CDC and its mission. Passing S. 655

will help enable the Foundation to surpass this exemplary record of achievement.

Mr. Speaker, I urge my colleagues to join me in supporting this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to my other Georgia colleague, Mr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding. As I listened to my colleagues, I realized that a lot of what I am going to say is going to be a repeat, but I will tell you what, the story is so good, Mr. Speaker, I want to hear it again myself.

Let me just say that this legislation contains two crucial provisions that allow the Centers for Disease Control and Prevention more flexibility to expand its successful National Foundation Program.

This Foundation is a private, nonprofit organization that was authorized back in 1992 by Congress to raise private funds to support the work of the CDC. It was established to unite outside partners and resources with CDC scientists and employees in order to build programs which substantially strengthen the influence of the CDC.

Some examples of the Foundation's current successful partnerships are Home Depot, UPS and BellSouth.

Currently, the Foundation is required to enforce a maximum of 2 years' participation in the program. However, S. 655 would allow the Foundation to work with these and other partners and employees for as long as they deem appropriate.

Since it was incorporated as a nonprofit back in 1996, the National Foundation for the Centers for Disease Control and Prevention has raised, and it has been stated earlier, more than $100 million. This has been accomplished with a maximum annual investment limit of only $500,000, meaning that each year the CDC can transfer a maximum of 500,000 from its own budget to fund the Foundation.

In recent years, the Foundation has established a reputation of raising almost $15 million annually. And that, as Mr. GREEN said, is a 30-fold return on investment.

Mr. Speaker, this legislation increases this maximum investment limit to $1.25 million, an amount equal to the ceiling placed on the Foundation for the National Institutes of Health.

This provision allows the CDC to transfer an additional $750,000 annually from its budget to support the operating expenses of the Foundation, thereby allowing it to continue to raise private funds for CDC research.

In this time of uncertainty with respect to things like avian flu and other public health threats, our country needs more from this agency than ever. S. 655 gives the Foundation the flexibility to make crucial changes that will increase the capacity of the CDC by leveraging this successful public-private sector collaboration.

It is in the best interest of the American taxpayer to allow a successful program to leverage more private funds to support this crucial agency. I urge my colleagues to support this legislation.

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

Mr. DEAL of Georgia. Mr. Speaker, the proposed legislation today, as has already been stated, has already received strong bipartisan support as it unanimously passed the Senate, and likewise, passed the Energy and Commerce Committee of the House.

The bill makes several changes to the existing CDC Foundation statute. For example, it allows greater sharing of resources such as private office space and facilities from the CDC to the Foundation. It also extends the lengths of fellowships granted by the Foundation beyond the current limit of 2 years.

The bill will allow the director of the CDC to shift more of her discretionary funding to cover the administrative and operating cost of the foundation. Like any nonprofit or charitable foundation, the CDC Foundation must cover its administrative costs out of its own funds. This legislation will allow the CDC director to provide the Foundation between $500,000 per year up to the $1.25 million per year for operating expenses, depending on need.

Finally, the bill provides additional accountability for Federal resources by requiring a report of the Foundation's activities to be submitted to Congress each year. With these improvements contained in this legislation, I am confident that the CDC Foundation will be able to attract additional significant private funds and expand its role in assisting the CDC.

The continuing partnership between the Foundation and the Federal Government is helping the CDC to have a positive impact on people's health in the United States and around the world.

Mr. Speaker, I urge the passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KIRK). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and pass the Senate bill, S. 655, as amended.

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

A motion to reconsider was laid on the table.

INTERNET GAMBLING PROHIBITION AND ENFORCEMENT ACT

The SPEAKER pro tempore. Pursuant to the order of the House of today, proceedings will now resume on the bill, H.R. 4411.

The Clerk read the title of the bill.

AMENDMENT OFFERED BY MS. BERKLEY

The SPEAKER pro tempore. The pending business is the vote on the amendment by the gentlewoman from Nevada (Ms. BERKLEY) on which the yeas and nays were ordered.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. The yeas and nays are ordered on the amendment.

The vote was taken by electronic device, and there were—yeas 114, nays 297, not voting 21, as follows:

[Roll No. 361]

YEAS—114

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bilirakis
Bishop (NY)
Blumenauer
Boren
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Davis (IL)
Davis (TN)
Delahunt
DeLauro
Dicks
Dingell
Doggett
Duncan
Edwards
Emanuel
Engel
Eshoo
Farr
Filner
Ford
Gonzalez
Gordon
Green, Al
Grijalva
Harman
Hastings (FL)
Hayworth
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McKinney
Meeks (NY)
Michaud
Millender-McDonald
Moore (KS)
Napolitano
Obey
Owens
Pelosi
Rangel
Reyes
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Serrano
Shays
Simmons
Solis
Spratt
Stark
Stupak
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson
Waxman
Weiner
Woolsey
Wu
Wynn
Young (AK)

NAYS—297

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley

Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
McCarthy
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—21

Davis (FL)
Davis, Jo Ann
Doyle
Evans
Forbes
Green (WI)
Gutierrez
Hinchey
Hinojosa
Istook
Jenkins
McNulty
Nussle
Ros-Lehtinen
Ryan (WI)
Sessions
Slaughter
Smith (NJ)
Strickland
Tiahrt
Wexler

□ 1440

Messrs. NORWOOD, KANJORSKI, TERRY, REYNOLDS, GARY G. MILLER of California, SHERMAN, BISHOP of Georgia, Mrs. TAUSCHER, Mr. NEAL of Massachusetts and Mr. CAPUANO changed their vote from ''yea'' to ''nay.''

Mrs. NAPOLITANO, Ms. ESHOO, Messrs. BOREN, DICKS, KUCINICH, DAVIS of Tennessee and DUNCAN changed their vote from ''nay'' to ''yea.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, sir, I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conyers moves to recommit the bill H.R. 4411 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Insert at the end of the bill:

Sec. ____. RULE TO PROTECT AGAINST UNDERAGE GAMBLING.

Notwithstanding any provision of this Act, it shall be a violation of section 1084 of title 18 United States Code to knowingly use a communication facility to accept any bet or wager as defined in paragraph 6 as added by section 101(3) of this Act, unless the Attorney General has certified that the person accepting the bet or wager eil1ploys a secure and effective customer identity verification system to assure compliance with applicable age and residency requirements.

Mr. CONYERS (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 Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, the motion I offer today is a simple and straightforward one. It makes sure that underage kids cannot gamble on the Internet, whether it is connection to interstate or intrastate betting. This is something that I hope that all Members can agree on on a bipartisan basis for, to me, protecting children from being taken advantage of on the Internet is one of the most important things we can do as Members of the Congress.

They should not be taken advantage of whether it is with regard to gambling, pornography or any other respect. Children should be off limits to predators of any form on the Internet.

The problem is, as currently drafted, the bill has a loophole. Intrastate bets have protections in general, but interstate bets are excluded. My concerns are not hypothetical.

Two months ago, the Baltimore Sun ran an article where the horse racing industry admitted that they hoped to prosper by reaching out to underage children. I have made this article a part of the RECORD, and I hope that you will examine it.

□ 1445

To me, that is not right, and we ought to make sure that this legislation, which is purportedly designed to limit Internet gambling, does not actually encourage it, especially for children.

Now, I would expect that the other side may argue, for example, that my amendment will gut the bill. But that is not true. The amendment merely serves to protect against underage gambling over the Internet. Some might also argue that there are already protections in the bill for underage gambling. But those requirements apply only intrastate. They left out the more important interstate requirements.

Finally, some may argue that the amendment is a poison bill that will kill the bill because it is opposed by powerful interests, or powerful legislators. To that I say that if protecting children from gambling is a poison pill, than maybe this bill deserves to die.

The last thing we should be doing as Members of Congress in the 109th session is putting children at risk on the Internet. My motion would eliminate the loophole in the bill for interstate bets by children.

I ask my colleagues to join me on both sides of the aisle in supporting this commonsense motion to recommit.

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, this motion to recommit was dropped on us just a few minutes ago, and we have had a very hasty analysis. And it really is the Trojan horse. If this Trojan horse is allowed to come into the bill by amendment, there are going to be three things that will happen.

First of all, it would require the States, every State that has gambling in any form, to go to the Federal Attorney General to regulate gambling within the State's own borders. And this really is a poison bill, because it would mean that the States' support of this bill would disappear. Forty-nine out of the 50 State attorneys general support this bill, and they are gone if this motion to recommit is passed.

The gentleman from Michigan says that we ought to protect kids. We do protect kids in this bill. And the language that is contained in his motion to recommit is unnecessary because section 1084(c) of the bill does provide age and location requirements. That is ample protection, and it is enforceable protection.

Finally, the motion to recommit is confusing because it requires residency requirements. Now, the bill has location requirements on where the Internet site is. It does not get to the residency requirements of the people who are using the Internet. So there is an entirely different definition, an entirely different thing that will be almost impossible to verify.

I now yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding me this time and for his very patient leadership in getting this legislation to this place.

There are many others to thank on both sides of the aisle: Congressman RICK BOUCHER, Congresswoman DARLENE HOOLEY, who helped get this legislation out of both the Judiciary Committee and the Financial Services Committee.

Congressman MEEHAN, Congresswoman WASSERMAN SCHULTZ, Congressman CARDOZA, Congressman MCINTYRE, Congressman VAN HOLLEN have all helped in great ways on the Democratic side, and many, many more.

I am especially deeply indebted to Congressman JIM LEACH. Congressman LEACH has worked on this legislation since the 1990s, as I have. And we have finally managed to bring one bill forward, merging the product of both the Judiciary and the Financial Services Committees, that is the best bill to deal with this scourge of Internet gambling that we have ever confronted.

Members, this is the opportunity to expunge, expunge a smear on this House done by many lobbyists led by one Jack Abramoff, who misled this Congress and many Members about this legislation a long time ago.

The Washington Post, the Atlanta Constitution Journal, many of our publications have exposed that. Now is the time to set the record straight and pass this legislation.

This motion to recommit is not necessary. Our bill already imposes age and location requirements on bets and wagers and requires that the activity be wholly within the authorizing State.

And it is confusing as to which attorney general must approve this. It reduces the authority of the States to create their own laws on gambling within their borders, conflicts with the bill because the Department of Justice asks for two requirements, and this amendment changes that.

Ladies and gentlemen, we have worked out the final solution to this issue. We have done what is necessary to modernize the 45-year-old Wire Act, to make it possible for the Treasury Department and other authorities to work with law enforcement to keep the billions from flowing out of this country, over $6 billion a year going to unregulated, untaxed, illegal sites outside of the United States.

But most importantly, most importantly of all, as my friend and colleague JIM LEACH said, this is about America's families. This vote is to help families like the one in my district whose son committed suicide.

This vote is for the young student in Congressman DENT's district who, when he ran up thousands of dollars in Internet gambling debts, robbed a bank to pay for this.

Unlike State-regulated gambling, and I am opposed to all forms of gambling, but unlike State-regulated gambling, there are no strictures at all in what these fly-by-night offshore entities do.

Support this legislation. Oppose the motion to recommit and send this great measure across the Capitol for the other body to consider.

Mr. SENSENBRENNER. Mr. Speaker, for all of these reasons, I urge the membership to vote ''no'' on the motion to recommit.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. CONYERS. 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 167, noes 243, not voting 22, as follows:

[Roll No. 362]

AYES—167

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Smith (WA)
Solis
Spratt
Stark
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
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
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
Cleaver
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Crowley
Cubin
Culberson
Davis (KY)
Davis (TN)
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
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
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
Ross
Royce
Ryun (KS)
Sabo
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Davis (FL)
Davis, Jo Ann
Doyle
Evans
Forbes
Green (WI)
Gutierrez
Hinchey
Hinojosa
Istook
Jenkins
McKinney
McNulty
Nussle
Ros-Lehtinen
Ryan (WI)
Sessions
Slaughter
Smith (NJ)
Strickland
Tiahrt
Wexler

□ 1509

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. CONYERS. 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 317, noes 93, not voting 22, as follows:

[Roll No. 363]

AYES—317

Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Drake
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Ford
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHugh
McIntyre
McKeon
McMorris
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Royce
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NOES—93

Abercrombie
Ackerman
Andrews
Baca
Baldwin
Becerra
Berkley
Berman
Brown, Corrine
Capps
Capuano
Carnahan
Carson
Clay
Conyers
Cummings
Davis (IL)
Delahunt
Dingell
Dreier
Engel
Eshoo
Farr
Filner
Flake
Foley
Fossella
Frank (MA)
Gibbons
Gonzalez
Grijalva
Hastings (FL)
Hastings (WA)
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Lee
LoBiondo
Lofgren, Zoe
Mack
Markey
Matsui
McDermott
McGovern
McKinney
Miller, George
Nadler
Napolitano
Neal (MA)
Ney
Olver
Owens
Pastor
Paul
Poe
Pombo
Porter
Rangel
Reyes
Rohrabacher
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Solis
Stark
Tauscher
Tiberi
Tierney
Towns
Udall (NM)
Velázquez
Watson
Watt
Weiner
Woolsey
Young (AK)

NOT VOTING—22

Davis (FL)
Davis, Jo Ann
Doyle
Evans
Forbes
Green (WI)
Gutierrez
Hinchey
Hinojosa
Istook
Jenkins
McHenry
McNulty
Nussle
Ros-Lehtinen
Ryan (WI)
Sessions
Slaughter
Smith (NJ)
Strickland
Tiahrt
Wexler

□ 1518

Mr. RYAN of Ohio changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORBES. Mr. Speaker, due to my attendance at a funeral for a family member of my staff I was unavoidably detained from voting on H.R. 4411, the Unlawful Internet Gambling Enforcement Act of 2006. Had I been present, I would have voted ''aye'' on final passage and ''nay'' on the passage of the Berkley/Conyers/Wexler amendment. I support passage of H.R. 4411 in the Judiciary Committee and I continue to support efforts to rein in the proliferation of internet gambling.

PERSONAL EXPLANATION

Mr. RYAN of Wisconsin. Mr. Speaker, if I were present for today's vote on rollcall 363, passage of H.R. 4411, the Internet Gambling Prohibition and Enforcement Act of 2006, I would have voted ''aye''. In addition, I would have voted ''nay'' on rollcall 361, the amendment offered by Ms. BERKLEY, because I feel it would have undermined the intent of the legislation. I also would have opposed rollcall 362, the motion to recommit.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today, due to illness. Had I been present, I would have voted ''no'' on rollcall vote 360 and 361, ''yea'' on rollcall vote 362 and ''no'' on rollcall vote 363.

CELEBRATING ADVANCEMENT VIA INDIVIDUAL DETERMINATION'S 25 YEARS OF SUCCESS

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 576) celebrating Advancement Via Individual Determination's 25 years of success, as amended.

The Clerk read as follows:

H. RES. 576

Whereas Advancement Via Individual Determination (AVID) has provided academic and motivational support that has enabled more than 95 percent of the over 257,000 underperforming students who have been in its program to go on to college;

Whereas Advancement Via Individual Determination has grown over 25 years to more than 2,200 middle and high schools in 36 States and Department of Defense schools in 15 countries;

Whereas Advancement Via Individual Determination started in 1980 with one teacher and 32 high school students in San Diego, California, and developed into an easily replicated program that promotes academic success;

Whereas students are selected because they are low-income, first-generation, college-going students who are underperforming academically;

Whereas college students support the program with individual academic coaching;

Whereas students are required to take a rigorous, college preparatory curriculum including advanced level courses;

Whereas the program provides SAT/ACT preparation, college information and financial aid assistance, college visits, and motivational experiences;

Whereas at the end of the first college year, 89 percent of Advancement Via Individual Determination students are fully eligible and do enroll for their sophomore year

compared to a national average of 50 percent; and

Whereas over 98,000 teachers and administrators have attended training in the high-quality teaching skills that support Advancement Via Individual Determination students: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Advancement Via Individual Determination students and their teachers on increasing college eligibility and attendance; and

(2) celebrates Advancement Via Individual Determination's 25 years of success.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 576.

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

There was no objection.

Mr. CASTLE. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 576, celebrating the success of the Advancement Via Individual Determination program, also known as AVID.

AVID began in one classroom in 1980, and has now trained more than 98,000 educators and nearly 260,000 student alumni. Fortunately, AVID is beginning to spread to the East Coast, and has already reached five schools in my home State of Delaware.

The accomplishments of AVID extend beyond the growth and expansion of the program. AVID seeks to help underachieving students by providing them with the support they need to take challenging classes and go on to college. School officials select average students making Cs and Ds, but have the potential to do better, and then place them in honors and college-prep classes with academic and motivational support. Over the past 25 years, more than 95 percent of the almost 260,000 students who have participated in the program have gone to college.

AVID takes strong evidence of what we know to be true about closing the achievement gap and provides it for those students who not only need the assistance, but also want it. In addition to providing assistance and guidance to help students achieve, the program drives success by promoting rigorous standards, coupled with professional development not only for teachers, but also for school and district administrators. These are key components to any successful education program.

Over the course of the past several years, there has been a growing debate surrounding our high schools. There is much to do, but I am thrilled by the response from all levels of government, as well as the private sector. Some of what we have heard about the struggles in our high schools is exactly what AVID embraces, the notion that there is a silent majority, average students who do okay in ordinary classes. The fear of failure often steers them away from more challenging course work or from seeking a postsecondary degree. I commend AVID for recognizing this need 25 years ago, and I commend those school districts that have incorporated the program into their schools.

I would also like to thank the gentlewoman from California (Mrs. DAVIS) for bringing this program to my attention, and I congratulate our Delaware schools and students who participate. Here is to another 25 years.

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

Mrs. DAVIS of California. Mr. Speaker, I want to thank my colleague from Delaware (Mr. CASTLE), and I yield myself such time as I may consume.

I would like to take this time to recognize a tremendous and extremely valuable asset to public education in the United States that began in my city of San Diego in 1980. The Advancement Via Individual Determination, or AVID, program has helped hundreds of thousands of underachieving middle and high school students across the United States learn the study habits and the skills needed to get into college and graduate; and for many of them to be the first in their family to go to college and to graduate.

A teacher at Clairemont High School, Mary Catherine Swanson, created AVID because she wanted to find a way to help students tap their true potential and help them achieve academic success. The program emphasizes individual achievement, while teaching sound study skills and new study habits. AVID also encourages goal setting, and works to lift self-expectations and self-esteem in students so they can rise to the challenge.

Mary Catherine Swanson recently retired, and now is the perfect time to celebrate what she accomplished for education through the AVID program. While overseeing the program for 25 years, AVID went from one classroom in San Diego to over 2,300 middle and high schools in 36 States and 15 nations abroad. Nearly 260,000 students have benefited tremendously from its ground-breaking teaching methods, encouraging time management, sound study habits, self-confidence, and hard work.

These students enroll in the toughest classes, such as AP courses, and are given the support and resources to rise to the challenge through AVID. Amazingly, over 95 percent of those who complete the AVID program attend college, and 89 percent of these students return for their sophomore year.

Mr. Speaker, it is difficult to choose from the thousands of success stories produced by AVID. The program helped U.S. Olympic athlete Joanna Hayes earn the grades and develop the study habits needed to attend UCLA. Joanna then went on to win the Gold in the 100-Meter Hurdle event at the 2004 Summer Olympics in Greece, and she attributes her success in part to the discipline she learned from AVID.

Another great story is that of AVID student Truong-Son Vinh, who earned degrees in engineering and applied math from the University of California at San Diego after high school. Vinh came to the United States as a boy when his family fled Vietnam after it fell to the North in the 1970s, and he went on to apply his knowledge and skills working for NASA.

There are thousands of success stories. AVID students have gone on to earn advanced degrees in all key subjects and disciplines.

I want to thank Mary Catherine Swanson for having a vision and working hard to implement this vision beginning with one classroom and 32 students at Clairemont High. And I want to thank the teachers and the tutors for their dedication, and also recognize the students who had the courage to take on the rigorous academic track required by AVID, and who had the desire to go on one day and find success in college.

I want to thank my colleague, Congressman CASTLE, for his efforts on behalf of this resolution, and also I would like to thank Chairman MCKEON and House leadership for bringing House Res. 576 to the floor today.

If we are to eliminate the achievement gap in the United States and remain competitive globally, I believe we need to build upon the programs that have proven success, encouraging and inspiring hard work in academics. AVID is clearly one of these programs, and I know it will continue its tradition of success in the years to come.

Finally, as we look at the No Child Left Behind reauthorization and how we can improve it, I believe it is more than worthwhile to look at programs such as AVID. AVID provides the strong and uniform training techniques to those who oversee it in schools across the Nation. It sets high standards for both its instructors and its students.

AVID is not about one community or one region, but a national push to encourage strong academic standards, and provides the accountability and support to back up those standards. It further gives the students the support they need both academically and socially to achieve in difficult classes.

I encourage my colleagues to support passage of this resolution today and encourage my colleagues to learn from this highly successful program.

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

Mr. CASTLE. Mr. Speaker, I would like again to thank the gentlewoman from California. It is her initiative that brings us here to the floor today to recognize this excellent program, and I encourage everyone to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 576, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF SENATE PROCEDURE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 40) authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRINTING OF SUPPLEMENT TO, AND REVISED EDITION OF, SENATE PROCEDURE.

(a) IN GENERAL.—Each of the following documents shall be prepared under the supervision of Alan Frumin, Parliamentarian and Parliamentarian Emeritus of the Senate, and shall be printed and bound as a Senate document:

(1) A supplement to ''Riddick's Senate Procedure'', to be styled ''Frumin's Supplement to Riddick's Senate Procedure''.

(2) A revised edition of ''Riddick's Senate Procedure'', to be styled ''Frumin's Senate Procedure''.

(b) COPIES.—One thousand five hundred copies of each document described in subsection (a) shall be printed for distribution to Senators and for the use of the Senate.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1530

APPROVING RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 86) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

The Clerk read as follows:

H.J. RES. 86

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by striking ''three years'' and inserting ''six years''.

SEC. 2. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—Congress approves the renewal of import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a ''renewal resolution'' for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act or July 26, 2006, whichever occurs first.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

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

Mr. Speaker, I rise in strong support of H.J. Res. 86. According to the State Department, the Burmese military regime has resisted all international pressure to enact meaningful political reforms and create true democracy. In response, for many years now, the United States has imposed sanctions, including banning all imports from Burma. Additionally, we have prohibited exportation of financial services from the United States to Burma and have targeted the regime itself by freezing certain assets.

Today the passage of this resolution is necessary to extend for 1 year the import restrictions enacted within the Burmese Freedom and Democracy Act of 2003. On February 7, 2006, Assistant Secretary of State for East Asian and Pacific Affairs, Christopher Hill, testified that these sanctions are ''an essential component of our strategy.'' He went on to say that ''they serve as a constant reminder to the regime, and everyone else concerned with Burma, that its behavior is unacceptable, and that regime leaders will remain international pariahs as long as they continue this behavior.''

As chairman of the Ways and Means Subcommittee on Trade, I do not support trade sanctions lightly. However, Burma has not taken the necessary steps to warrant lifting these sanctions. The Burmese regime claims it is implementing its so-called road map to democracy, but in truth it is taking no such steps.

The State Department has found that the delegates charged with creating the constitution that this democracy would be built upon are all hand-picked supporters of the current regime. Additionally, pro-democracy advocates remain imprisoned, and military conflicts continue with internal groups.

Perhaps most disturbing are reports that Burma's human rights record continues to worsen. In 2005, security forces in the country continued to rape and murder Burmese citizens, force them into slave labor, and compel people into serving in militia units to defend the regime that they abhor.

Since enactment of the Burmese Freedom and Democracy Act, the Treasury Department has blocked over $16.8 million in transactions and frozen hundreds of thousands of dollars of assets belonging to the Burmese regime. The vast majority of democratic opposition within Burma supports the continuation of these sanctions and even welcomes additional actions.

It is now incumbent upon all of us to ensure that the ''essential component'' Assistant Secretary Hill referenced remains in place until this murderous regime yields to the desire of its citizens to be free. To back down now would send the wrong message to the military regime in Burma as well as the international community. Most importantly, it would send the wrong message to those pro-democracy advocates within Burma fighting for the freedom of their fellow citizens.

Mr. Speaker, I ask my colleagues to join me today in supporting this important measure and vote ''aye'' on H.J. Res. 86.

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

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

Mr. Speaker, I rise today in support of H.J. Res. 86, a resolution extending trade sanctions against Burma.

It is imperative that the United States continue sanctions against Burma so as to maintain pressure on the government of Burma to end its brutal repression against the Burmese people.

The government of Burma's litany of abuses is appalling. According to the U.S. State Department and human rights organizations, the government of Burma has continued to arrest and imprison supporters of democracy for alleged political offenses. Over 1,100 persons remain in jail today for their political beliefs.

Earlier this year, the government of Burma extended the detention of Aung San Suu Kyi, the leader of the National League of Democracy, a pro-democracy party, and her deputy. Aung San Suu Kyi has spent 10 of the last 17 years in confinement.

Burmese security forces regularly monitor the movement and communication of residents, search homes without warrants, and relocate people without compensation or legal recourse. The government of Burma has failed to crack down on trafficking in persons; and, in fact, the government of Burma has sanctioned the use of forced labor. In fact, the government of Burma has supported the use of forced labor for large infrastructure projects, forced children to join the Burmese Army, imprisoned individuals who have communicated with the International Labor Organization on the subject of forced labor.

Further, the Burmese government has destroyed nearly 3,000 villages in its campaign to forcibly relocate minority ethnic groups.

Mr. Speaker, the world simply cannot stand by as Burma continues its brutal policies. I am pleased that the European Union recently acted to renew its sanctions against Burma and that many nations in the world have spoken out against the repression in Burma. It is particularly meaningful that in December 2005 the Association of Southeast Asian Nations, ASEAN, which counts Burma as one of its members, issued a statement calling for the release of political prisoners and democracy reforms in Burma.

Mr. Speaker, the Western world and those who are concerned about human rights are united: Burma cannot be allowed to continue its oppressive actions. The use of sanctions is appropriate, and I urge my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I first want to thank my good friend and colleague, Congressman BEN CARDIN, for his leadership on trade and human rights issues.

I also want to express my appreciation to Ways and Means Committee Chairman BILL THOMAS for his strong support, over many years, for import sanctions against Burma, and for moving this legislation to the floor expeditiously. As always, I also remain deeply appreciative of the work of the Ranking Democrat on the Ways and Means Committee, my friend and colleague CHARLIE RANGEL.

Mr. Speaker, former South African Archbishop Desmond Tutu—the winner of the Nobel Peace Prize for his tireless and ultimately successful fight for freedom in South Africa—spoke eloquently about the key role of the international community in helping to free oppressed nations.

He said, ''If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse and you say that you are neutral, the mouse will not appreciate your neutrality.

Mr. Speaker, with passage of this legislation, Congress will once again signal firmly that the United States is not neutral when it comes to Burma. We are firmly on the side of imprisoned Nobel Laureate Aung San Suu Kyi and all those who are oppressed by Burma's ruling thugs.

Some argue the U.S. sanctions do not help those who suffer the most under Burma's oppressive political and economic system. Again, I would respectfully refer them to Archbishop Tutu, whose homeland of South Africa is free today because the international community refused to remain silent about the brutal system of Apartheid.

By voting to maintain our Nation's tough approach towards Burma, we once again lead the world by example. Step by step, we will move assertively towards a global sanctions regime against Burma involving all of the world's leading economic players.

In fact, Mr. Speaker, there are signs that American leadership on Burma is paying off.

Just a few short months ago, the United Nations Security Council held an unprecedented debate on Burma's horrendous human rights situation and its destabilizing role in Southeast Asia. Further Security Council action against Burma is on the near horizon, particularly since the Burmese leadership thumbed its nose at Kofi Annan's hand-picked special envoy to Burma, and refused to release Aung San Suu Kyi.

The political leadership of the Association of Southeast Asia Nations—ASEAN—has also long maintained that Burma's political situation was an ''internal affair.'' But Singaporean Foreign Minister George Yeo recently said that Southeast Asia may need to ''distance itself'' from Burma if it does not undergo political reform, and the ASEAN leaders refused to let Burma become chairman of the important regional organization in 2006.

The European Union has also firmly resisted the entreaties of the European commercial class—always eager for new trade opportunities with the world's rogue regimes—to reduce sanctions against Burma.

Mr. Speaker, while these are positive developments, we remain a long way from a comprehensive, global sanctions regime. But Mr. Speaker, I am prepared to wait as long as it takes to convince the international community to act properly.

The only hope for promoting far-reaching political change is by making Burma's thugocracy pay an economic price for running their nation into the ground. I would welcome a negotiated solution to the crisis in Burma, but I believe firmly that such negotiations will only bear fruit once those pulling the levers of power feel a strong economic pinch.

Today, we will act decisively to renew import sanctions against Burma, and send an unmistakable signal of support for the restoration of democracy and human rights in that impoverished nation.

One day, Aung San Suu Kyi will lead a democratic Burma, and I look forward to being at her inauguration before a throng of her countrymen, all finally free. Until then, we in this country must do what we can to hasten that day.

I urge all of my colleagues to support this important legislation.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the resolution that my good friend from California, Mr. LANTOS introduced. I am proud to have my name attached to this resolution as an original cosponsor.

Mr. LANTOS has been leading the way when it comes to fighting the repressive junta that controls Burma with an iron fist and I would like to commend him for his continued support.

The United States has been a leader in pushing the world to recognize the atrocities the military junta in Burma commits on a daily basis.

Mr. Speaker, because of our country's diplomatic efforts on a multilateral front the military junta is feeling the pressure.

The European Union had joined us in placing sanctions on the regime, a step that shows the unity of the West against the junta's human rights violations. Two weeks ago, for the first time Swiss banks froze all assets of the military regime.

For the first time the ASEAN nations are openly calling for the release of Aung San Suu Kyi and all political prisoners. Countries like Singapore and the Philippines have made strong statements showing that ASEAN has lost its patience with the continued lack of promised reforms from the junta.

The United Nations Security Counsel has met twice over the past seven months to discuss the horrible situation in Burma, a first for the U.N.

Thankfully, the Security Council is currently considering it's first-ever resolution on Burma.

We are at a monumental point in the history of Burma. My hope is that all members of the Security Counsel will support this resolution.

I urge all of my colleagues to continue to support the people of Burma who have suffered under this brutal military junta.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.J. Res. 86, a bill intended to extend the import restrictions imposed by the Burmese Freedom and Democracy Act of 2003. This act was initially passed in response to the failure of Burma's ruling body to take significant actions to establish a democratic government, and for its reluctance to address violations of human rights and the pervasive drug problems within its borders. The governing body of Burma has yet to take effective corrective action.

Burma is presently under the rule of a military regime, the State Peace and Development Council. This military junta, or one like it, has been in control of the Burmese government for the greater part of Burma's independence since 1948. Democratic rule in Burma ended in 1962 in a coup d'etat. The National League for Democracy, led by Aung San Suu Kyi, won a free election held in 1990, but the ruling military regime, then the SLORC (State Law and Order Restoration Council), voided the election and impeded the formation of a democratic government.

The SLORC has since become the SPDC, and Aung San Suu Kyi has spent the last 17 years in and out of detention and house arrest. She has been offered freedom in exchange for her voluntary exile, but she, with the backing of millions of supporters around the world, continues to stand against an oppressive regime and fight for democracy. She was in detention in 1999 when her husband died from cancer, as authorities would not allow for him to visit or for her to return if she visited him while he was ill. Aung San Suu Kyi has been relentless in her work and advocacy and was the recipient of the 1991 Nobel Peace Prize for her struggle. It will take more men and women of her courage and character to free her country from its oppressors within. Yet the world has yet to respond with the required urgency.

In the year 2004, Burma was the world's second largest producer of illicit opium, with an estimated production of 292 metric tons. Though this number was down 40% from 2003 due to eradication efforts and drought, land cultivation in 2004 was still 30,900 hectares. The government has shown little interest in addressing this problem.

Human rights violations in Burma have been documented for years, and it is generally agreed to that the military regime currently in power is one of the most repressive, violent, and inhumane in the world. The atrocities include forced labor, conscription of children, repression of free speech and political freedom, and the state-sanctioned use of torture and rape as weapons of war.

It is estimated that several hundreds of thousands of men, women, children, and elderly are being forced to work against their will in what the International Labor Organization of the UN calls a ''modern form of slavery.'' Human Rights Watch estimates that some 70,000 of the regime's soldiers are children. A

2004 report by Amnesty International estimates that more than 1,300 people were wrongfully imprisoned between 1989 and 2004; and there were an estimated 1,600 political prisoners in 2005, 38 of which were elected members of Parliament.

The U.S. State Department and two NGOs have confirmed that torture and rape are being used as weapons of war. A report issued in 2002 by The Shan Human Rights Foundation and the Shan Women's Action Network documents 173 cases of rape and sexual violence involving 625 girls and women. The study points out that 61 % were gang-rapes and that 25% of these girls and women died, some of whom were detained and repeatedly raped for up to four months. A report released by Refugees International in April of 2003 also documents cases of rape. These crimes are largely targeted at ethnic minorities, including the Shan, Mon, Karenni, and the Karen.

Testifying before the House Committee on International Relations earlier this year, Human Rights Watch advocacy director Tom Malinowski stated that, "Government armed forces continue to engage in summary executions, torture, and the rape of women and girls. This campaign can only be described as ethnic cleaning on a very large scale. Hundreds of thousands of people, most of them from ethnic minority groups, live precariously inside Burma as internally displaced people."

A CBO report estimates that supporting this legislation could cost the U.S. $500,000 in 2006 and $1 million in 2007. It is likely that there will be economic costs on the other end as well, and not just for those in power. So while it is understandable and even necessary to take action in opposition of the current military regime and to condemn their oppressive rule and blatant abuses of human rights, we should explore other methods to express our disapproval and impose sanctions. We must be careful that our actions do not oppress the innocent who are caught up in this ongoing struggle.

So I urge my colleagues to support H.J. Res. 86, but I also ask that we devise additional ways to assist the people of Burma, ways that may not entail economic backlashes. Over the years we have seen situations like this arise and escalate and we have watched with shameful apathy as millions have perished or fallen victims to unspeakable physical, sexual, and emotional violence. And here we are again with another opportunity to act or be apathetic. Let us not squander it under the cover of feigned ignorance. We are all aware now. Let us not get selective amnesia by confining our thoughts to tangential concerns of a lesser gravity, for history will not forget when we stand idly by while these people suffer, scream, and die. Instead, let us free Ms. Aung San Suu Kyi, and free those for which she remains confined.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the joint resolution, H.J. Res. 86.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHAW. 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 materials with regard to H.J. Res. 86.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

THE OCCUPATION OF IRAQ

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, on March 1, 2003, the United States stopped fighting a war in Iraq and became the occupants of Iraq. That was when the U.S. occupation began.

March 1, 2003, is the day that President Bush, speaking under a huge banner with the words "Mission Accomplished" declared major combat operations in Iraq had ended. At that moment, the United States military should have left Iraq.

Military commanders and policy experts advised the President, but he failed to grasp that deploying hundreds of thousands of soldiers to Iraq and invading Baghdad would be like sticking your hand in a beehive and trying to remove it without getting stung.

Even the President's father, President George H.W. Bush, agreed on this point. That is why during the first Gulf War during 1991, he stopped short of having the U.S. military actually enter Baghdad.

If we had left after, according to the President, the "mission" had been "accomplished," we could have prevented the deaths of over 2,400 American soldiers. More than 18,000 others wouldn't have returned home with life-changing injuries, and thousands of others wouldn't suffer from severe psychological trauma as a result of fighting a war halfway across the world. And countless thousands, tens of thousands of innocent Iraqi civilians who have been killed might still be alive in Iraq.

The last 3½ years since the President's "mission accomplished" speech have been unsuccessful in all ways in Iraq. This war has drained America's coffers of nearly $400 billion, money that could have been used for underfunded programs right here at home, like addressing key homeland security needs, providing health care to all Americans, giving all American children a first-class education.

This war has diminished America's role as an international leader. Our role and our image have suffered great damage as a result of our involvement in Iraq. We are even less safe here at home, and Iraqis are less safe in Iraq than before the United States invaded Iraq.

It is actually the very presence of 150,000 American soldiers in Iraq that has enraged and dissatisfied the people of the Arab world.

Mr. Speaker, this is not a war; this is an occupation. The Pentagon and the White House have turned our troops into occupiers against their will, placing them in an absolutely impossible situation. This is not what they were trained for. Soldiers can win a war, but how do they win an occupation? An occupation is by its very nature unwinnable. There is no winning; all you can do is come home.

The President does not seem to understand this truth which is made very clear in comments he makes like "we will accept nothing short of total victory in Iraq"; or "we will stay in Iraq until the job gets done."

Mr. Speaker, the American people understand that there is no such thing as "getting the job done in Iraq" because it is not a job, it is an occupation. What Congress needs to do is take back the powers it gave to the President more than 3 years ago. It is time to rescind the legislation that gave him the authority to use force in Iraq. And while we are at it, let's do the right thing for our soldiers, their families and the entire country: end the occupation.

The least we can do for our troops is thank them for their service and bring them home to their families.

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

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

BORDER SECURITY

Mr. POE. Mr. Speaker, I request permission to take Mr. OSBORNE's time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, the State of Texas is a little richer today. But the

money found along our border was not American money; it was money from the Middle East. A Sudanese dinar was found not too long ago along the Texas-Mexico border.

This type of money is a whole lot more dangerous because it brings with it someone carrying this money.

□ 1545

Someone that came into the United States obviously illegally from the nation of Mexico. The Sudanese dinar was discovered on our border, a clue that could have been easily lost among the trash trails illegal invaders from around the world leave behind.

But unlike most, the person carrying that dinar may not dream of a better life in the United States. He probably didn't come to the United States looking for work. He could covet death and a whole lot of it.

The threat of illegals infiltrating America is not just a threat to our economic security, it is a threat to our national security.

Now, so many OTMs, in the vernacular, Other Than Mexico, are coming into the United States, especially into Texas the, terrorist threat increases. These people come from all over the world. They come from China, they come from Korea, they come from the Middle East. They come from Africa, they come from South America and they come from Europe.

During recent national security hearings, clear and convincing evidence was released showing that the dark and deadly underground, created and thriving on human trafficking and on drug smuggling, is now diversifying into terrorism. Reports indicate that al Qaeda operatives have moved to Mexico, have assimilated into the population, have learned Spanish, and they are studying the culture and they are posing as Mexican workers. They create an illusion, then they wait, make their way to America. All the while, the hatred in their hearts is anything but phony. They know illegal entry allows them to live here and remain untraceable. It is the very freedom that they want to destroy. They will use that against us to infiltrate and weaken our Nation.

For almost 5 years now, Mr. Speaker, we have been hunkering down, our eyes really turned north to Canada, the country that has long been touted by some as the de facto entry point for illegals. All the way terrorists could easily be sneaking through our back door, the southern border into the United States. They could pose as a day laborer, a blue collar worker, moving, then plotting undetected in the shadowy night and the broad daylight, among the people willing to break laws to earn money to send home.

These are people who are willing to break into our country, our country. These are criminals who are bent on evil with hearts full of malice and mischief. They act in the name of radicalism and destruction and hatred.

Mr. Speaker, we may have terrorists living among us. You have heard the phrase, ''It's not if, but when.'' Failure to protect our borders, failure to prevent OTMs from entering the United States puts America at risk.

Then continuing this absolute absurd policy of capturing these OTMs from other countries and then telling them, on their oath, they need to come back to court for their deportation hearing, is absurd. We are not shocked that over 90 percent of them never return, but yet they are released into the heartland of the United States.

This nonsense needs to stop. We need to find places for those who have decided to enter our country illegally, hold them and detain them until they get quick deportation hearings, then send them home where they belong.

The duty of our government is to protect the citizens of this Nation. We protect the borders of other countries. We need to protect our own border. Border security is a national security issue. And we must have the moral will to protect the dignity and sovereignty of this Nation. And that's just the way it is.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY. Mr. Speaker, we are hearing once again that there are rumors going around that in January, when we come back and there is a new Congress, depending on who is in control, that we are going to be looking at privatizing Social Security again. We understand that the Republican Party wants to make it their top priority. The American people have already said ''no'' to this shortsighted plan. The money and trust fund belongs to the people who put it there, and they are entitled to guaranteed benefits. They don't want to use this money to gamble on the risky stock market.

Those in favor of the Republican plan say that privatizing is the only way to save Social Security. Granted, the fact that people are growing older does mean Social Security needs to be strengthened. But in reality, Social Security can be saved with small changes, and we have time to make sure we do it right.

As it stands today, the Social Security trust fund will begin taking in less in payroll taxes than it pays out in benefits in 2018. That is 12 years from now. But even if Congress doesn't act, the Social Security surplus won't be exhausted until the year 2040. That is 34 years from today. And the worst case scenario is that 74 percent of benefits would still be paid.

If the Republican plan is enacted next year, they won't be able to guarantee benefits in 2008, let alone 2040.

In addition, these projections are based on an anticipated lower rate of productivity and economic growth than the U.S. has experienced during the last 20 years. If the U.S. maintains its current economic growth or grows at a faster rate, the trust fund surplus will expire at a later date.

While I believe Congress needs to act soon, we don't need to do it in haste. Instead of radically changing our retirement safety net, we should follow the lead of former President Reagan. In 1983, President Reagan appointed a commission headed by Alan Greenspan and saved Social Security for the next 60 years.

I urge President Bush to put aside his dreams of privatizing and do the same. Many Republicans won't want to hear this, but President Reagan's commission raised payroll taxes to save Social Security. But I believe we can come up with a better solution today. There is a middle ground between raising taxes and privatizing. Let's put our experts to work on finding this middle ground and creating a stronger Social Security.

Everybody accepts that Congress needs to act to strengthen Social Security for the next generation of seniors. But any plan that cuts guaranteed benefits is a nonstarter. It is a nonstarter because the centerpiece of the Republican plan, to privatize portions of Social Security does nothing to address the program's long-term challenge, which is to make sure Social Security can pay full benefits for future generations.

Privatizing means less money going into the Social Security trust fund. The President's plan means fewer benefits for more retirees. The President has yet to disclose how he would pay for this plan. Conservative estimates price the plan at over $2 trillion, driving the country deeper into debt and burdening future generations with the bill.

With our current national debt, a multitrillion dollar expenditure would almost certainly rely on selling bonds to foreign countries for financing. I am not comfortable with China, Japan and the European Union controlling the purse strings of our retirement benefits, and neither are the American people.

We should encourage individuals to invest money for retirement, but this should be done outside of Social Security. Social Security was never intended as the only source of income for retirees. It was designed as a safety net to ensure no retiree or disabled person falls into poverty. We simply cannot bet the future of Social Security on a risky privatizing scheme.

Mr. Speaker, let's not make a hasty decision on Social Security that we will live to regret. People have to understand that Social Security is a lifeline for so many of our seniors. When we look at today, the people that are working at minimum wage, when we look where we see pensions not really being there for the American people, we need to certainly make sure that Social Security is there. Widows with children, it is the difference between being able to stay in their home, feed their children or becoming homeless.

People say, well, if we privatize, it will save the government money. In the long run, I honestly don't believe it will. I have too many friends, women friends that have been married or widowed, that never had to work. Now they find themselves with nothing but their Social Security. And it is not even enough to live on, especially in New York.

We must save Social Security.

RAISING AWARENESS ABOUT AUTISM

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

Mr. BILIRAKIS. Mr. Speaker, I rise today to bring attention to a disease that has a profound impact on those that it afflicts. Autism, Mr. Speaker, is a bioneurological developmental disability that generally appears before the age of 3. Autism impacts the normal development of the brain in the areas of social interaction, communication skills and cognitive function. Individuals with autism typically have difficulties communicating and interacting with others and often engage in repetitive behaviors.

I spoke on this floor recently about how people with autism are affected by this disease, and the early warning signs of autism that parents should watch for as their infants become toddlers. Today, I want to share with our colleagues the impact that autism has on the families of those that it affects and the struggles parents must endure to raise children with autism.

During a recent district work period, I met several of my constituents, including Howard and Jonica Chittum, and their wonderful son, Mac, who is autistic. They shared with me the emotional and financial challenges of having a child with autism.

The Chittums told me how Mac needs intensive speech and occupational therapy, services for which Medicaid partially pays, but that their health insurance does not. They talked of their excitement when Mac makes progress and of their disappointment when he struggles. The Chittums are fortunate in that they somehow have found time to work and care for Mac.

They also have managed to pay for more intensive therapy for Mac, which has helped him make significant progress in a relatively short time. I was pleased to learn that Mac's language skills are now on age level. His eye contact has improved, and he is showing more interest in other people.

Some people, however, Mr. Speaker, are not as fortunate as the Chittums. I also met with Monica Bice, whose daughter, Jade, has autism, over the district work period. Monica, who met Jonica through a support group for parents of children with autism, wants desperately to provide Jade with the intensive therapy she needs, but simply cannot afford. And Jonica said, ''It's just not fair.''

I think this is an unconscionable situation that we must remedy, Mr. Speaker.

I am pleased to have cosponsored legislation our colleague from California, Mrs. BONO, has introduced to encourage screening, early intervention and education about autism. This bill, the Combating Autism Act, would strengthen and coordinate all Federal activities related to autism research, diagnosis, screening and treatment.

I think it also is important for parents to know that they are not alone when trying to raise a child with autism. There are a multitude of national, State and local organizations such as Aware for Autism, a support group for parents of children with autism, which Monica started. I encourage anyone who has a child with autism to seek assistance from those who are facing the same challenges that they are.

Mr. Speaker, I believe we can and should do more to raise awareness about autism and encourage its prevention, treatment, and hopefully some day soon, its cure. I urge our colleagues to support the Combating Autism Act and give hope to people with autism and their families and friends.

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

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

TRAGEDY IN INDIA

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, it is with profound sorrow that I rise to extend my deepest regrets to Prime Minister Manmohan Singh and the people of India over today's deadly attack.

Often on this floor we become very centered in our own events and don't notice what is happening in the rest of the world. I have traveled many times to India. I have enjoyed the company of the Prime Minister. He is a good man and a great leader, and I know that India's best defense in this time of grave trouble is to be led by a man of boundless integrity.

As I speak, far more is unknown than is known about this cowardly act of violence, which occurred today in Mumbai. There is little doubt, however, that the atrocity was carried out by people who worship hatred, because there is no religion on Earth that condones the killing and maiming of innocent people.

I recall the words of the great Indian leader, Gandhi, who wrote, ''The most heinous and the most cruel crimes of which history has record have been committed under the cover of religion and equally noble motives.''

Before long, I have little doubt that those responsible will hide behind one of the world's great religions to claim sanctuary for their violence. The world must not be fooled into accepting their claim.

In the words of Gandhi, ''Permanent good can never be the outcome of untruth and violence.'' Weaving a web of lies cannot conceal this one single thread of truth. There is no religion on the planet, not Christianity, not Buddhism, not Islam, or all the others, that preaches or condones hatred.

□ 1600

None do. And only the perversion of a great religious ideal and great historical figures would pretend otherwise. That is done to try to spread more violence.

An atrocity like the one that occurred today in India is done by extremists who are hollow inside. Violence is what they espouse because humanity is what they do not possess. Gandhi said about this violence: ''The roots of violence: wealth without work, pleasure without conscience, knowledge without character, commerce without morality, science without humanity, worship without sacrifice, and politics without principles.''

The world is filled with problems. No nation is immune. Yet today's bombs and the bullets and the bloodshed will not move the world one step closer to peace. We cannot shoot our way to peace. Those willing to ambush the innocent are not trying to change the world, but they are trying to destroy it.

The world needs people willing to change the world. Change it to produce a blue sky morning, not a world in mourning. Gandhi said: ''The difference between what we do and what we are capable of doing would suffice to solve most of the world's problems.''

Poverty is a scourge of millions in Africa, and it is not lessened by one single dime by today's violence. The spread of HIV/AIDS that is infecting Africa and now India, millions across India, will not be stopped by the blast of a bomb.

India is a great nation, and the noble spirit of its people will overcome today's heartbreak. The bonds between India and the United States go much deeper than the democracy that we both practice as nations. The personal roots in my hometown of Seattle are deep and strong, and I know we all mourn this terrible loss. We proudly collaborate on so many levels, from trade and economic ties to cultural and charitable exchanges. We have grown close, and the people of Seattle would want me to extend to the people of India our deepest sympathies over this senseless tragedy. I am sure this is true across America.

The truth is wanton violence meant to divide the world can unite it, in sadness today but, to be sure, in strength tomorrow.

I am proud that I was one of the cofounders of the Congressional India Caucus over a dozen years ago. It has grown into a large bipartisan body. When it comes to India today, there really is no political divide in this House. We are very saddened by what has happened, but we are united in offering our support to a nation I am so very proud of.

India, we stand with you.

THE 10TH AMENDMENT TO THE CONSTITUTION

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

Mr. OTTER. Mr. Speaker, I rise today to talk about one of my favorite subjects, and that is the Constitution of the United States. But I want to focus a little bit more today than I generally do and specifically on the 10th amendment to the Constitution.

The 10th amendment to the Constitution, affectionately referred to by most everyone who really reveres the Constitution, would recognize it as the so-called ''States' rights amendment.'' Actually, Mr. Speaker, I have always felt that it was the contract between the States and the creation of the States that we know today as the Federal Government.

Many folks today I believe have it wrong. They think that the Federal Government created the States, whereas, in fact, it was the original 13 States that, in union together, created the Federal Government. And it has always been my long-held belief and opinion that the created can never be greater than the creator in any sense.

And so in my opportunity today, I want to remind the people of that contract between the Federal Government and the States. And it is a simple contract; so perhaps one might suggest that it was never written by a lawyer because it is only 28 words, and it says the powers not delegated to the United States by the Constitution are reserved to the States respectively, or to the people.

Now, I may have gotten that a little confused in my enthusiasm, Mr. Speaker; but my enthusiasm for the spirit and the heart of the 10th amendment is undiminished because it was in 1760, when King George III took over for King George II and decided to put even more restraints on the young and upcoming colonies, even more laws and even more regulations, even more taxes and confiscation of their property, it was then only some 16 years later that the 13 colonies finally said we have had enough and we are not going to absorb any more of this abuse from any king, let alone King George III. So history now pretty well has set forth in the agenda the circumstances that took place and finally, of course, after the Declaration of Independence, then after the War of Independence and the creation of the Constitution.

In fact, few people realize today that the Constitution did not include what we know as the Bill of Rights, the first 10 amendments to the Constitution. And it was only as a promise by the States and the Continental Congress that they would at a later time include the Bill of Rights or something to the effect of the Bill of Rights that many of the States then adopted. In fact, during the Continental Congress it was Patrick Henry that said that he refused and would refuse, and he eventually did, to sign the Constitution because he said, I smell a rat. But Lord only knows here was a gentleman that had an olfactory memory that could reach over 200 years out into the future and here we are today.

But I would tell you that Patrick Henry did say that he would not sign the Constitution or agree to it unless it included a Bill of Rights, an enumeration of all the rights of man. And several folks, including one James Wilson, took that under advisement. And they came back several days later, and to the presiding officer at that time, George Washington, they said, Mr. President, we have found it unwise to enumerate all the rights of man for if in our effort to do so we should leave one out, it will have thought to be the property of government; so leave us instead, direct our labors to enumerating the powers and the authorities of government, and if it is not stated, the power and the authority does not belong then to the government.

How wise that was and how wise and respectful we should be and would be today should we honor those kinds of thoughts, should we honor those kinds of limitations, because as we know, including the 10th amendment, each and every amendment of the first 10 amendments was, in fact, a limitation on government. And if you read it time and time again, it always says the Congress shall not, the government cannot, the government will not be allowed.

So I commend to all those who are listening today to get the Constitution out, read those 28 words, and recognize that that is the true contract between this Federal Government in Washington, D.C. and the governments of the 50 States.

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

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

THE BALANCE OF POWER BETWEEN THE STATES AND THE FEDERAL GOVERNMENT

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the unused time.

The SPEAKER pro tempore. Without objection, the gentleman from Utah is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate my good friend from Idaho's having started this process in talking about this particular issue. And I am also looking forward to hearing from my good friend and colleague from New Jersey who will be talking about the 10th amendment in a moment as well. For, indeed, it is one of those central issues that we need to remind ourselves at all times.

In the Federalist No. 32, Hamilton tried to persuade people to ratify the Constitution, and the question was, Would this new government with which we now function have too much power? Hamilton wrote that ''I am persuaded that the sense of people, the extreme hazard of provoking the resentments of the State governments, and a conviction of the utility and necessity of local administrations for local purposes would be a complete barrier against the oppressive use of such a power'' by the national government. He went on to say that ''I affirm that under the plan of the convention,'' which he was referring to the Constitution of the United States, the States ''would retain that authority in the most absolute and unqualified sense and that an attempt on the part of the national government to abridge them in the exercise of it would be a violent assumption of power, unwarranted by any article or clause of'' the proposed ''Constitution.''

Now, in recent times we have strayed slightly from that philosophy. We have in this country today the idea that federalism is not when the central government simply graciously allows the States to do this or that, that it is not that the States are simply another form of administration or level of government. Federalism is when the people of the States set limits on the central government.

It is true that in the name of States' rights that sometimes harm has been done to individuals. One must remember that the idea of the Constitution, of balancing power between the national and State governments, had one purpose and one purpose only, and that was to ensure individual liberties. And when any branch of government, whether it be States or the Federal Government, harms those individual liberties, they are doing an assumption and they are moving boldly from the concept and the process that was originally intended to be there.

Sometimes we forget that back then when the Constitution was established the idea of States' rights or federalism was a given to our Founding Fathers, that those people who wanted to centralize powers were the ones on the defensive at all times and that it was clearly understood that the Bill of Rights, when it was passed, was the way of the States to bind the Federal Government to stay out of certain areas as in ''Congress shall make no law,'' et cetera, et cetera.

The only way to preserve civil liberty, then, is for government to check

its own power, government counteracting government. And the only way of checking power is to disperse that power and to divide it. The Federal Government will, even though it is against their basic interest, always have to learn to check itself. That is the purpose of federalism. That is the reason there are States and national government. That is why we are here week after week, speech after speech, in some ways trying to pick on issues and prod a conscience to realize the real purpose of federalism has the goal of preserving individual liberty and that when we do that, we are doing good, and that for some reason for the national government, the Federal Government, we here in Washington, if we really want to do well for people, if we want to protect people and their rights, we have to learn to try to limit our own power.

That was the goal of the 10th amendment, and it is the goal of this caucus to try to reemphasize all the time that for the rights of people and to preserve people and to help people, the national government has to lose power and share and balance that power with the States.

With that, Mr. Speaker, I will be looking forward to the comments of my good colleague from New Jersey.

□ 1615

THE MINIMUM WAGE

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

Mr. ALLEN. Mr. Speaker, hard work and perseverance are supposed to be the key to success in America; yet many people who work full time are barely scraping by, earning just $10,712 per year on the Federal minimum wage, which is now $5.15 an hour and has been at that level for nearly 10 years.

That is an income, $10,700, that is $6,000 below the Federal poverty line for a family of three. That number cheats millions of American families and children out of the chance for basic financial stability every year. It directly contradicts what we often describe as the promise of America, that if you work hard and play by the rules, you have a reasonable chance for a life of some prosperity.

Families are struggling because the buying power of the minimum wage is now at its lowest level in the last 50 years, the last 50 years. But if you look at the changes that families are undergoing just in the last 10 years, here is what you find.

Americans pay 136 percent more to heat their homes and drive their cars than they did 10 years ago when the last minimum wage increase was passed. Health insurance costs have gone up 97 percent during that same period. The cost of a 4-year public university has gone up 77 percent as well. Families who once lived comfortably on their incomes have been steadily falling out of the middle class and into poverty.

We need to raise the minimum wage from $5.15 an hour to $7.25 an hour, a level that will really mean something to the parents who are struggling to provide for their children. An increase would boost the wages of 6.6 million workers directly. Another 8.2 million workers earning up to $1 above the minimum wage would also get a boost due to the so-called ''spillover'' effects, and that influence would affect the lives of 54,000 people in my home State of Maine.

Despite what some opponents of a wage hike may claim, wages have not risen significantly on their own. They have been eaten away by inflation. Even though the American workforce has increased its productivity by 14 percent over the last 5 years, real wages have gone up by only 2 percent for nonmanagerial workers.

Meanwhile, the average CEO in America makes more than 1,000 times the minimum wage. Americans CEOs earn in one day what most workers earn in a year.

America prides itself on providing opportunity for all. Yet it is clear that the wealth being generated in our economy is only lifting a few. We need an economic plan that allows our citizens, especially our families and our children, to support themselves, educate themselves and continue to achieve and move forward in their lives.

Now, it frankly is an embarrassment that Congress has not addressed the minimum wage issue in almost 10 years, especially in light of the issues that we have found time to address here. Last week, this body gave an estate tax break worth $280 billion to a few thousand wealthy individuals. For the past year, the Republican leadership has been intent on giving more tax breaks for the wealthiest 1 percent and paying for it with cuts in education, Medicare, and other programs on which Americans depend to maintain their quality of life.

What does it mean to the average American that Congress has raised its own salary over and over again since 1997, but not the minimum wage? Income inequality in this country is a scandal, and this Congress is contributing to making it greater. This is not only bad for the middle class and lower-income Americans in this country, it is bad for our democracy.

Twenty States, including my home State of Maine, and the District of Columbia have already passed increases in the minimum wage. They understand that this is fundamentally an issue of fairness and good economic sense. We need to see this kind of economic leadership at the Federal level as well. We need economic policies that do not leave the majority of our citizens behind.

The Republican leadership does not want a minimum wage increase to come to a vote here, but eight in 10 Americans do. They support it. Frankly, I wish this Congress would do as much for the average American as it does for corporations and the wealthiest 1 percent.

The minimum wage must allow workers to earn enough to support themselves and their families. $5.15 is not enough to live on. I hope we can finally start to work together on this issue and enact a long, long overdue increase in the minimum wage.

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

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

CONGRESSIONAL CONSTITUTION CAUCUS FOCUS ON TENTH AMENDMENT

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

Mr. GARRETT of New Jersey. Mr. Speaker, I thank my colleagues who came before me this evening to join with us, as we do each Tuesday evening as members of the Congressional Constitution Caucus, to come to the floor to discuss constitutional issues; and this evening to discuss the philosophy, the intent, the foundations of the 10th amendment.

As we discussed, and you have heard already, this amendment really could be said to be the most important amendment in defining what the Founding Fathers' vision of the role of the Federal Government should be.

As stated earlier, the 10th amendment states clearly: ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

These historic words, penned by the Founding Fathers, some of the most ingenious political minds of their time or anytime in the world's history, set forth an important principle: that the Federal Government may exercise specific powers that are listed in the Constitution. All you need to do is simply look to it, for example, article I, section 8, and they enumerate the powers that the Federal Government has. It really does not even go on for more than one-and-a-half pages. These are specific powers that the Federal Government has. The others are the remaining powers that are reserved to the States and the people respectively.

Unfortunately, just as the authors of the Constitution have long passed, so too have many of their foundation principles for our government here. Between an ever-expanding Federal Government that for decades now has crept into many other facets of areas once

left to local control, to a Federal judiciary that in many instances completely ignores the intent of Federalism, all resulting in a Federal Government that has become wildly inefficient and just a huge bureaucracy.

So the old concept is really nothing new. It is just that we have lost it over time. Our founders were very clear when they established our system of government. They intended to set up a republic, a republic really, you could almost say, of sovereign states capable of self-governing, but with a small central government with clearly defined and limited powers.

As someone else previously stated, I think the gentleman from Utah, our Constitution can be thought of as a social contract, a contract between the people and their government. We must think of this most important document as a trade between the rights given up between these competing interests. One of the most important interests that we receive then from the Federal Government, as set forth in the Constitution, is the defense of this Republic.

All other inherently government services, the founders were very clear about, were to be contracts between themselves and the local government and contracts between themselves and the State governments. We refer to this as Federalism. The only powers specifically listed in the Constitution are to be administered by the Federal Government. All others are reserved to the people respectively.

Now, earlier last month, I guess it was, we had the discussion on part of this forum to look at one of the legislations that is coming down the pike that will help facilitate this, and that is the sunset commission. We have discussed this in the past, and I will just talk on it briefly right now.

The sunset commission will try to rein in the Federal Government by looking at the agencies and the powers that are already out there. We have suggested that it could be given, maybe even stronger, be given some teeth to it, and one of the ways you do that is to set it up in a BRAC-like format so that when it comes to Congress, it will actually eliminate those ineffective government programs with an up-or-down vote.

Second, and maybe an important change we can make in this to make it even truer, is to do this, and that is to provide provisions in that legislation to say that you will not simply look at the effectiveness of programs or whether programs are duplicative. You will also look at whether or not the programs of the Federal Government are constitutional.

Even if a program is not duplicative of other Federal programs or State programs, even if a Federal program is effective that is being performed right now, the underlying and most seminal question that we must ask ourselves is, do we, as Members of Congress, have the constitutional authority to do what the legislation is asking us to do. If you put that into something like a sunset commission, that we can review this as each bill and each legislation comes up, each program that is out there, we will be moving in the right direction.

Let me just close by looking at some of the good news that just came out recently, today as a matter of fact, and that is the economic numbers showing that we are actually reining in Federal spending. We are seeing our deficit go down on the Federal level, and I am happy about that.

I am happy that I have been able to join with other members of this delegation and Members of this House to try to rein in the government and try to bring it in the right direction.

We must be awfully careful, though, that when we get the fiscal house of the Federal Government in order that we do not then decide that we will start spending money elsewhere. That would be the wrong direction to take. We have been able to get to where we are simply by putting our house in order as far as spending; we have been able to lower tax rates, allow folks to be on the family budget and not on the Federal budget, to have a more free-market approach.

So I will just say this: that if we close by putting those limitations on the Federal Government to restrict our approach to it and make sure that our philosophy is the same as the Founding Fathers, then we will see that there is both a practical and a fundamental and foundational approach to doing so, and that is a constitutional government.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Mr. STUPAK 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 Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

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

BLUE DOG COALITION

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

Mr. ROSS. Mr. Speaker, on behalf of the 37-member strong, fiscally conservative, Democratic Blue Dog Coalition, I rise this afternoon to discuss our Nation's debt.

As you can see here, Mr. Speaker, today the United States national debt is $8,413,298,480,959 and some change. If you divide that enormous number by every man, woman and child, including those babies being born today, every United States citizen's share of the national debt comes to the tune of $28,120.

In the Blue Dog Coalition we have coined the phrase ''the debt tax,'' not to be confused with the death tax or estate tax. The debt tax, D-E-B-T, is one tax that cannot go away until we get our Nation's fiscal house in order.

That is what the Democratic, fiscally conservative, 37-member-strong Blue Dog Coalition is all about trying to restore some commonsense and fiscal discipline to our Nation's government. As you walk the halls of Congress and as you walk the halls of the Cannon and the Longworth and the Rayburn House Office Buildings, you will come across these posters which signify that you have walked by the door of an office of one of our fellow Blue Dog members.

We are concerned about this because, Mr. Speaker, from 1998 through 2001, this Nation had a balanced budget, and yet under this administration and this Republican-led Congress, we have seen record budget deficits, the largest deficits ever, ever in our Nation's history.

In 2004, the deficit was $412 billion. In 2005, it was $318 billion. In 2006, it was $372 billion, and in fiscal year 2007, it is projected to be $350 billion, one of the largest deficits ever in our Nation's history.

One of the first bills I filed as a Member of Congress when I got here back in 2001 was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. The Republican leadership in this Congress refused to give me a hearing or a vote on that bill, and now we know why, because the real deficit projected for fiscal year 2007 is not $280 billion or $350 billion, depending on whose numbers you want to believe. It is really $545 billion. So where does the difference come about? It is because this Republican Congress and this administration is counting the Social Security trust fund, and that is wrong.

When you and I go to the bank to get a loan, our banker wants to know how we are going to pay it back, when are we going to pay it back, and yet this Republican Congress continues to give us the largest budget deficits ever in our Nation's history while borrowing money from the Social Security trust fund with no provision being made on how or when that money will be paid back.

Where is it going come from? They cannot tell us. When is it going to be paid back? They cannot tell us. Social Security has kept over half the seniors in America out of poverty. It is time for this Republican Congress to keep their hands off the Social Security trust fund.

Now, why is this debt so important? Total national debt from 1789 to 2000 was $5.67 trillion.

□ 1630

Let me repeat that. From 1789 until 2000, the total national debt was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion. This is a doubling. This is a doubling of the 211-year debt in just 10 years.

Another reason that deficits should matter, Mr. Speaker, is because interest payments on this debt are one of the fastest growing parts of the Federal budget, and the debt tax, D-e-b-t tax, is one that cannot be repealed until we get back to the days of a balanced budget.

Not only is our Nation borrowing $1 billion a day; this number is going up by about $1 billion a day. Our Nation is borrowing $1 billion a day. More important than that, our Nation is spending a half a billion dollars, $500 million, every single day simply paying interest on the national debt that we already got before it goes up another billion dollars a day.

I represent a very poor district in Arkansas. We have a lot of hope in creating economic opportunities by building new highways. We need $1.6 billion to complete Interstate 69. It sounds like a staggering number until you think about it. If we did not have this debt, we could build Interstate 69 with 3 days' interest on the national debt.

Mr. Speaker, our government will spend more money in the next 4 days paying interest, not principal, just interest on the national debt, than what it would cost to completely build Interstate 69 through Arkansas.

Interstate 49 will also be critical to creating economic opportunities and jobs for my district. We need $1.5 billion to finish it. Again, a staggering number until you think about we are spending $500 million every 24 hours simply paying interest on the debt we already got before it goes up another billion dollars today.

We could complete Interstate 49 with just 3 days' interest on the national debt. Hot Springs, Arkansas: We need about $200 million to complete the expressway around Hot Springs. $80 million to get it up the hill, and up the mountain and another 100 to 200 million to get it back down and totally completed. $80 million would be nice. $200 million would be better. We could complete the Hot Springs Expressway with just a few hours' interest on the national debt.

El Dorado, Arkansas, the largest town in my district not located on a four-lane highway, desperately needs four-lane access. We could four-lane U.S. Highway 167 for about $400 million. Put it another way, we could four-lane U.S. Highway 167 from Little Rock to El Dorado and connect on down to Louisiana to I–20 with less than 1 day's interest on the national debt.

Interstate I–530, $200 million to complete that project that is also under construction. A lot of money. But just a few hours' interest on the national debt. In fact, Mr. Speaker, we could build 200 brand-new elementary schools every single day in America just with the interest we are spending on the national debt. We cannot meet America's priorities as it relates to reducing our dependence on foreign oil.

In fact, Mr. Speaker, we will spend, we will spend more money in Iraq in the next 8 hours than we will spend on research and development of bio-refineries in the next 365 days.

Health care, education, making the kind of advancements to our Nation's infrastructure that we so desperately need, the kind of investments that we saw under Roosevelt with the WPA program to help get us out of the Great Depression, or with Eisenhower with the interstate program, these kinds of priorities for America will continue to go unmet until we get our Nation's fiscal house in order.

That is why as a member of the Blue Dog Coalition I am here to talk about this debt, and this deficit, because America has many priorities. Many priorities that continue to go unmet as our Nation continues to borrow $1 billion a day, as our Nation continues to spend half a billion a day, $500 million a day, simply paying interest on the national debt. Meanwhile, America's priorities continue to go neglected.

Now why should deficits matter other than all of these reasons I have already given you? Deficits reduce economic growth. We all know that. Look how much better the economy was in the 1990s when we had a balanced budget. Deficits burden our children and our grandchildren.

It is wrong for us to borrow money from other countries to give tax cuts to people here earning over $400,000 a year and leave our children to pay the bill. How would you like to go to the bank and tell your banker you want to borrow money to build this new house, but you are not going to pay for it, you are just going to leave the bills for your children? You know, Mr. Banker, I have got two wonderful children. I am going to make sure they get a wonderful education, grow up, get a good job. They are going to pay for this house. The banker would try to have you locked up as being mentally insane.

Yet that is how we are running our country today. In fact, deficits do matter because they increase our reliance on foreign lenders, foreign lenders who now own over 40 percent of our debt. Where is this money coming from that we are borrowing? 40 percent. As we know, some of it is coming from the Social Security trust fund with no provision on how or when it is going to be paid back.

Well, where is the rest of this debt coming from? We are borrowing $1 billion a day. Where is it coming from? Is it coming from your hometown bank? I do not think so. It is coming from foreign central banks and foreign investors.

In fact, Mr. Speaker, the United States of America is becoming increasingly dependent on foreign lenders to fund our lifestyle, which is give me tax cuts if I make over $400,000 a year, borrow the money from China and let my kids worry about paying it back. That is the way this Republican Congress is running America.

Foreign lenders. Foreign lenders currently hold a total of more than $2 trillion of our public debt. Compare this to only $23 billion in foreign holdings back in 1993. The top 10 list. The top 10 current lenders. America continues to pass tax cuts for folks earning over $400,000 a year with money that we are borrowing, because we are borrowing $1 billion a day, with money they are borrowing from whom? Here is the top 10: Japan, The United States of America owes Japan $640.1 billion; China, $321.4 billion. As my friend and a founder of the Blue Dogs, Mr. TANNER, has so eloquently stated and pointed out before, if China decides to invade Taiwan, the United States of America will have to go to China to borrow more money to defend Taiwan.

The United Kingdom, $179.5 billion; OPEC, imagine that. We wonder why gas is approaching $3 a gallon. Our Nation has borrowed $98 billion from OPEC to fund tax cuts for folks in this country earning over $400,000 a year.

Korea, the United States of America has borrowed $72.4 billion from Korea;

Taiwan, we have borrowed $68.9 billion; the Caribbean banking centers, $61.7 billion; Hong Kong, $46.6 billion; Germany, $46.5 billion. And are you ready for this? Rounding out the top 10 countries that our Nation borrows money from to fund our out-of-control deficit spending to the tune of $1 billion a day, we have now borrowed $40.1 billion from Mexico.

Now, Mr. Speaker, when an American family sits down around the dinner table to pay their bills and budget for their household, they include all of their family obligations, their mortgage, their car payment, their credit card bills, their education expenses, you name it. Those hardworking folks take into account the cost of a 4-year education for their children, not just for one year of it.

They take into account their car payment, and how many years it is going to take to pay for that car, not just to drive it for a year. When they mortgage their homes, they take into account how long and by what means they will be able to afford their housing, not just live in it for a year.

And you know what, Mr. Speaker, they expect the same from their government. And yet as we can see, July 11, today, Los Angeles Times editorial entitled ''Another Mission Accomplished,'' I am not going to read all of the editorial, but the first two paragraphs are worth reading:

''The release of the White House mid-session budget review is an annual event normally marked by a few wonkish observations and the routine updating of various spreadsheets, not by a full-dress Presidential dog-and-pony show.

''President Bush plans to preside today, with Members of Congress and invited guests in attendance. By all indications, including his own, in his weekly radio address last Saturday, he plans to turn this into a celebration just in time for the fall campaign.

''This is proof, if anyone still needs it, that this administration is desperate for something to boast about. On Mr. Bush's watch, triple-digit budget surpluses have turned into annual triple-digit budget deficits. There is no information in the mid-session report to alter that utterly disparaging fact.

''Yes, the report is expected to project that this year's deficit will be somewhat less gargantuan than last year's, probably somewhere between 280 and $300 billion versus a $318 billion shortfall in 2005. That is not much to crow about.''

That is an editorial that appeared today in the Los Angeles Times entitled ''Another Mission Accomplished.'' It goes on. But the point is that this administration is so desperate for some good news that they are having a celebration to celebrate that our Nation is not going to borrow $318 billion as it did in 2005; it is only going to borrow between 280 and $300 billion in fiscal year 2006. Mr. Speaker, I submit to you that our Nation borrowing nearly $1 billion a day is nothing to celebrate.

Now, contrary to this administration's rhetoric in light of these new numbers touted today, we have yet to get government spending under control. Instead of talking about 1 year, we should have a real plan to deal with the realities of our long-term debt and deficit, just like American families do for their financial obligations.

A perfect example of this is how we are handling our obligation in Iraq. I believe we all support our troops. I hope we do. I have got a brother-in-law who spent Christmas refueling Air Force planes over in Afghanistan. My first cousin's wife gave birth to their first child during his service in Iraq. We honor all of those who have and who continue to serve our country in Iraq, Afghanistan and elsewhere.

Where I disagree with this President is on the point of accountability. This President, this Republican Congress, is sending $279 million of your tax money to Iraq every day. And yet if you ask him to be accountable for it, if you ask him for a plan on how that money is being spent and how it will win the peace and ultimately bring our men and women in uniform home, he will tell you you are being unpatriotic. That is where I disagree with this President.

We just entered our fourth year in this war, and I believe if we are going to send $279 million of your tax money to Iraq every day, this administration and this Republican Congress should be held accountable for how that money is being spent.

But we are still finding it piecemeal; we are still excluding the cost of the war from our annual spending process. We are passing a number of supplemental appropriation bills to pay for it that mask the war's true cost. It is time, it is past time that this administration be up front with the American people and include these important costs in their annual budget estimates.

Only then, Mr. Speaker, only then will we be able to celebrate a real decline in deficits. Again, Mr. Speaker, the U.S. national debt as of today is $8,413,298,480,959 and some change.

For every man, woman and child in America their share is $28,120. What is staggering is that by the time we conclude this hour on the floor today, the U.S. national debt will have risen to the tune of more than $41,666,000.

□ 1645

At this time, Mr. Speaker, I would like to yield to the gentleman from Florida, Mr. ALLEN BOYD, one of the founding members and one of the real leaders of the fiscally conservative 37-member strong Democratic Blue Dog Coalition as we continue to talk more about the debt and the deficit and accountability. Mr. Speaker, I yield to my friend, the gentleman from Florida, Mr. BOYD.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Arkansas for yielding, and I also want to thank him for his leadership. He has led these special orders for the Blue Dog Coalition now for quite a while on a weekly basis to try to deliver the message to the American people in an honest and straightforward way about the fiscal situation of our Nation's government.

Mr. Speaker, I was glad to hear him talk a little bit about Iraq. Iraq is a situation that we are having a great debate in this country about, and I think that he made the point that we all very strongly support the men and women. Once we established the mission and sent them over there to perform and carry out that mission, it is clear that we support them. It doesn't mean that we can't have an honest and open dialogue and debate about the policy.

Mr. Speaker, is appalling to me as a person who wore the uniform during the Vietnam era to see those Members of the House of Representatives and the U.S. Senate, or anybody that might oppose the policy that the United States Government has, to have them called unpatriotic. So I appreciate the gentleman from Arkansas bringing up that point.

I also, Mr. Speaker, came here today to talk a little bit about fiscal responsibility and to assist my friend from Arkansas in talking about the national debt. Mr. Speaker, I find it appalling to hear the partisan political rhetoric that goes on in these Chambers, rhetoric which celebrates a Federal budget annual deficit of $300 billion.

Now, most of us that have run a business, Mr. Speaker, know that at the end of the day your revenues have to match your expenditures, or else you either have to borrow money with a long-term plan to pay it back, or a short-term plan and show your banker how you can pay it back that year.

Mr. Speaker, this administration and this Republican-led Congress over the last 5 years have run our government into a situation where we have a structural deficit built in. There is not an economist anywhere around that will tell you under the current revenue taxing system and the current spending habits of this Congress and this administration that we will have a balanced budget anywhere in the future. We all know that we have to make some structural changes to the way we are doing business. So when I see somebody celebrating a $300 billion annual deficit, it saddens me in a lot of ways.

What Mr. ROSS and the other members of the Blue Dog Coalition want for the American people is an effort by this Congress and this administration to address our fiscal situation honestly. Honestly, Mr. Speaker. What is wrong with telling the American people what the true fiscal situation is as it relates to our Federal Government?

We would like to see the Treasury's financial report that Mr. ROSS made mention of earlier in his comments that is published by the Government Accounting Office and accounts for all spending, current and future. Had we seen this report last year, it would

have told us that the Federal budget actually was $760 billion, not $350 billion as reported. And do you know what, ladies and gentlemen? It won't change much this year.

The Blue Dogs would like to see an earnest effort to institute commonsense principles in our budgeting process, just principles which every businessman and businesswoman in this country understands that you have to live by if you are going to have a successful business. In our Federal budgeting process, those would translate into discretionary spending caps, something that in 1997, when I first came to this Congress working together with Republicans and Democrats.

Working together, we had a Democratic President, we had a Republican-controlled House and Senate; they all sat at the table together, and they talked honestly with each other, and they laid the numbers out on the table, ''Here is where we are; here is what it will take to get us back into balance.'' Discretionary spending caps. Put some caps on spending. Use the PAYGO rule.

What does PAYGO mean? A PAYGO rule means that if you are going to spend something over here, that you have to find a place either to cut spending on this side or raise the revenue from some source. If you are going to decrease revenue over here through a tax cut, you are going to have to find a place to raise that revenue someplace else. Those are commonsense PAYGO rules. That way we won't be taking spending more than we are taking in.

Something, Mr. Speaker, that we voted on the first 4 years I was in this Congress, I think we voted on it no less than seven or eight times, and that is a balanced budget amendment to the Constitution, a constitutional balanced budget amendment which requires us, as a Congress and administration, to balance our budget.

It seems that we don't have the political will under the current leadership to make these tough decisions from a legislative or an executive branch, so maybe it is time to consider a constitutional requirement that would force the Congress and the administration to balance this budget. If we don't, we will continue to see that number of $8,413,298,480,959 continue to go up.

Mr. Speaker, Mr. ROSS may not know this, but when I came to the Congress in 1997, that number was less than $5.5 trillion. It has gone up over $3 trillion since I came here. It was $5.6 trillion when President Bush was elected and took office in January of 2001. So it has gone up about $2.8 trillion since this President came into office.

Again, Mr. Speaker, I find it appalling that the political rhetoric would cause us to celebrate a $300 billion annual deficit. That is over 10 percent of our Federal budget, over $300 billion, over 10 percent of our Federal budget. We have to go out into the capital markets, and Mr. ROSS has done a good job of explaining where those capital markets are, in China and Japan and Mexico and other countries.

In years past, those deficits were financed locally, mostly by war bonds and other bonds that were sold domestically, but not anymore. And I think that would lead us into a situation which could be very dangerous for us from an economic standpoint and a national security standpoint.

In addition to the things that I have talked about that I would like to see, the Blue Dogs would like to see implemented into a budgeting process, and that is discretionary spending caps, PAYGO rules, balanced budget amendment, we would like to see the government act responsibly like most every responsible family in America and save for emergencies.

We are always going to have emergencies, we are always going to have a hurricane or a tornado or an earthquake or a flood, or we are always going to be engaged somewhere around the world in a military action. Why not set up a rainy day fund for future emergencies and put money into it so that we won't have to, on an annual basis and sometimes even more than once a year, come back to the appropriations process and pass an off-book emergency spending bill?

Why do we do that? Well, again, I think it has to do with partisan politics, and that is, if you pass a budget originally which pretends that you can live within your means, but you know you have left off a lot of things, you might fool some people, but you are not going to fool many people for very long.

Mr. Speaker, I spoke earlier about what happened in 1997 shortly after I came to Congress in which we all sat together, Republicans, Democrats, House leaders, Senate leaders, sat together and developed a long-term plan to get us out of our Federal debt or out of annual deficits and put us into a balanced budget. We did that, and guess what. Once we put that plan in place, everybody bought into it, the economy continued to grow.

The economy in America has always grown. I mean, if things are even halfway normal, you are going to have more tax revenues the next year than you had the previous year.

So that is part of the partisan rhetoric that is appalling to me, that the numbers that the White House has thrown out in the last few days in terms of the growth in tax revenues is way below what they projected in 2001 when they presented their economic package, which included the large book of tax cuts.

So I think that it is really important to work together and deal honestly with the American people about what our situation is, and we can't really begin to solve this problem until we recognize in an honest way what the problem is.

Now, Mr. ROSS earlier talked about the article in the Los Angeles Times today, which really I would commend to our viewers, to those who are listening to us, to read. And it talks a little bit about this budget deficit and the current economic news. But let me quote from that, if I might, Mr. Speaker.

In that article, the writer says, ''This will be the third year in a row that the administration put forth relatively gloomy deficit forecasts early, only to announce much later that things had turned out better than expected.'' That is what you have here. You see, back in the early spring when we first put the budget on the table, there were some very gloomy reports about what that number would be and now this is the third year that that has happened.

''To some skeptics,'' and I continue to quote, ''it is beginning to look like an economic version of the old expectations game. Even economists who hesitate to accuse the White House of playing games,'' and I am still quoting from this L.A. Times article, ''Even economists who hesitate to accuse the White House of playing games say the claims of good news on the budget are unfortunate because they make people unjustifiably sanguine about the government's current fiscal health.''

''Our problem,'' and this is a quote from Comptroller David Walker who is a man that we all know and respect, those of us who serve here representing our constituents back home. He says, and I quote, ''Our problem is our long-term—our large long-term deficit, and the sooner we deal with that, the better.''

Walker also goes on to say that, and he warns of, quote, ''a false sense of security. We are in much worse shape fiscally today than we were a few years ago.''

This is from a man who is the head accountant representing the United States Government Accounting Office.

Mr. Speaker, I know we have been joined by some other Blue Dog members, and we want to hear from them, but I want to commend the gentleman from Arkansas for leading this discussion tonight. It is important, Mr. Speaker, that we have an honest debate and dialogue on these issues.

A constituent told me one time, he said, ''Mr. Boyd, we used to hear debate and dialogue, but now we hear spin and rhetoric. Can we get back to honesty? Can we get back to everybody at least laying out both sides of the issue so that we can understand better how to fix these problems?''

We can't really fix them until we admit that we have a problem. And for some in this government, they don't seem willing to admit that we have a problem. So I want to commend the gentleman from Arkansas.

Mr. ROSS. I thank the gentleman from Florida, one of the leaders of the Democratic Blue Dog Coalition, for joining us this evening and addressing part of the Blue Dog's 12-point reform plan for curing our Nation's addiction to deficit spending. And these are just 12 commonsense ideas that we offer up,

and yet the Republican leadership refuses to give us a hearing or a vote on these ideas.

□ 1700

One of them is simply a balanced budget. Forty-nine States require a balanced budget. I can assure you my wife requires a balanced budget at the Ross home in Prescott, Arkansas. Most bankers require businesses to have a balanced budget. And this is just another commonsense idea we have.

Another of the 12-point plans for budget reform simply says, ''Ensure that Congress reads the bills it is voting on.'' Now, we can't pass a law to make Congress read the bills it is voting on, but I can promise you this: When this Congress votes on 500-plus-page bills and gives the minority, our side of the aisle, less than an hour to read the bill before we vote on it, I can promise you that Members of Congress cannot read every word of every page of every bill before they are being forced to vote on it.

We saw that happen, for example, with the Medicare prescription drug bill, now estimated to cost $720 billion over the next 10 years. It went to a vote barely a day after the final version of the 500-plus-page bill was made available for Members of Congress to see and read.

What we propose, as members of the Blue Dog coalition, is that Members of Congress should be given a minimum of 3 days to have the final text of legislation made available to them before there is a vote. Another commonsense idea.

I want to thank again the gentleman from Florida (Mr. BOYD) for joining us and raising some of these things, because we are not here just to say Republicans are bad. We are here to say we are tired of all the partisan bickering that goes on in our Nation's Capital. It shouldn't be about whether it is a Republican idea or a Democrat idea; we want to see some commonsense ideas.

And we are not here just to criticize. We are here to hold the Republican Congress accountable, but we are also here to offer up a solution to this problem, and that is why we have written this 12-point plan for budget reform.

At this time, I am pleased to introduce one of the newest members of the Blue Dog coalition, who has contributed greatly to our calls of trying to restore common sense and fiscal discipline to our Nation's government. Before I do that, though, Mr. Speaker, if you have any comments or concerns of us, I hope you will e-mail us at bluedog@mail.house.gov. Again, Mr. Speaker, if you have any comments, questions, or concerns of us, I would encourage you to e-mail us at bluedog@mail.house.gov.

And at this time, I am now pleased to turn this over to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. I thank my colleague, Mr. ROSS, from Arkansas, for allowing me to join him in what I hope will be a colloquy with some of our other Blue Dog members. Congressmen BOYD and DAVIS and TANNER, I think, are going to join us, as well, and we can talk about some of the issues that are so important to all of us that are part of the Blue Dog Coalition.

One of the things I would like to lead on is the PAYGO budget rules that we all feel are so important to restore honesty in government and with our taxpayers, so they understand how we are spending their tax dollars better.

One of the other things I want to do before we even go there is, I would like to ask Mr. TANNER to talk a little about his bill that he has introduced to create better auditing of those Federal agencies where we know there is a lack of controls.

Mr. TANNER. Well, thank you very much. I am delighted to join Mr. DAVIS, and you, Ms. BEAN, and Mr. ROSS and Mr. BOYD.

I became aware of the fact that there is no oversight in this town of what we are already removing from people's pockets involuntarily in terms of taxation, and appropriating it to any administration without any oversight about where it is going.

To give you some instances, this is hard to believe, and we have had to get these from newspaper reports and IG reports and so forth because there have been no oversight hearings to amount to anything around here in so long, but just listen to some of these examples of government waste:

An internal Pentagon audit found that Halliburton had overcharged the American taxpayer by over $1 billion. This included $45 for cases of Coke, $100 a bag for laundry service, and several months preparing at least 10,000 daily meals at a military base in Iraq that the troops did not eat. They also paid a Kuwaiti company $1.30 a gallon of gasoline, while other contractors were doing work for 18 cents a gallon.

This goes on. The Multinational Security Transition Command purchased seven armored Mercedes-Benz automobiles at $945,000 a car, over $6.6 million, that ended up being old models and did not even have the required level of armored protection. Furthermore, they couldn't locate one of them after delivery was made.

FEMA paid $236 million for three cruise ships to house evacuees and relief workers in the wake of Hurricane Katrina. This comes out to over $1,200 a week per passenger at full capacity, almost double the price of a weeklong cruise. The ships did not have any fuel costs or entertainment costs because they were at the dock. Also, the ships have never been at capacity, but FEMA's contract pays them for capacity anyway.

They are also paying contractors in the gulf coast an average of $2,480 for less than 2 hours of work to cover each damaged roof with a blue tarp, which is 10 times what the temporary fix would normally cost.

We had to get these reports from newspaper accounts and others because there is no oversight here.

So what we have done is, we have put together a bill, H. Res. 841, which the Blue Dogs have endorsed, that says basically three things: When the Inspector General report identifies waste, fraud, and abuse, or when they identify a ''high-risk agency,'' which is government talk for one that doesn't work, the program is not working like Congress intended it to, or when the CPAs, or the auditor, says on the front page of the audit that we don't know if what you are about to read is true or not because the books are in such bad shape we can't audit them, in those cases, this bill that the Blue Dog Coalition has endorsed says basically that Congress must hold a hearing.

It is our, the Blue Dogs' position that at least the American taxpayer ought to expect from this Congress or any other Congress to keep up with the money we take away from people involuntary in the form of taxes. This Congress is not doing that, and it is a failure; it is a total abdication really of the constitutional responsibility that this branch of government has to the executive branch.

So I hope people will get interested in H. Res. 841, because it speaks directly, Ms. BEAN, to what you were talking about.

Ms. BEAN. Well, I am honored to have cosponsored that legislation. And to your point, I think it is basic fiscal common sense. The taxpayers deserve better than what they are getting from this Congress. I can't imagine anyone who would call themselves a fiscal conservative and not support this commonsense legislation or any leadership that wouldn't bring such legislation forward.

Mr. ROSS. I want to thank the gentleman from Tennessee, one of the founders of the fiscally conservative Democratic Blue Dog Coalition, Mr. TANNER, for offering up this bill. Again, another example of how the Blue Dogs are not just pointing fingers. We are holding the Republican Congress accountable, but we are not just criticizing them. We are offering up solutions, and this is another commonsense solution to restore accountability to our government.

A lot of people may not know this, but the Government Accountability Office reported that 19 of 24 Federal agencies were not in compliance with all Federal accounting audit standards and could not fully explain how they had spent taxpayer money appropriated by Congress. This bill that the Blue Dogs and Mr. TANNER have introduced will hold these Federal agencies accountable for how they spend your tax money, Mr. Speaker.

Mr. BOYD. Would the gentleman yield?

Mr. ROSS. Yes, I will yield to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. I just wanted to comment on the presentation, the remarks by

Mr. TANNER, who has been a champion on this accountability effort.

And you remarked or just talked about the audits, that 19 of the 24 agencies couldn't produce clean audits. Actually, the leaders, the worst offender is probably the Department of Defense. FEMA is a bad offender. We have hurricanes in Florida all the time, so we are always dealing with FEMA. I can tell you that I can take you to some folks, many, many folks who are millionaires that were getting generators, that were getting their roofs fixed, and things like that from FEMA.

And this goes back to the accountability issue. What are we doing with the taxpayers, the folks we are taking money from involuntarily, as Mr. TANNER says? We have some responsibility to make sure, and that responsibility belongs to the United States Congress, to make sure the executive agencies are spending it wisely, and we are not doing that. And that is the point we are making here. And I thank you for yielding.

Mr. ROSS. The gentleman raises an excellent point. As you can see here, these are manufactured homes. You would think that they would be in Louisiana or Mississippi or someplace where people lost their homes and everything they owned as a result of Hurricane Katrina. And you would have thought, well, the hurricane was last August, and this is July, so we are coming up on the first anniversary, and you would think they would have by now gotten to the people who have been left homeless from these storms.

Yet they have remained parked, you can see, in this cow pasture here, or hay meadow here, or whatever you want to call it. There is the barbed wire fence, and the grass, and the pasture land, and 10,777 of these manufactured homes. These are 16-foot wide, 60-foot long, and almost a $500,000,000 worth of mobile homes sitting at the Hope Airport in Hope, Arkansas.

These trailers, 10,777 of them, arrived late last year. Today, we still have 9,959 of them. That is a close-up view. You have to see this. Hopefully, Mr. Speaker, you can get a good look at this. That is an aerial view. They are being parked at the airport in Hope, Arkansas.

That is not all of them. Lord knows, there is not a lens wide enough to get them all. But we still have 9,959 brand-new, fully-furnished, totally unused mobile homes that were designed to go to storm victims following Hurricane Katrina that are parked 450 miles from the eye of the storm at an airport in Hope, Arkansas.

Now, if that is not enough, FEMA is spending $250,000 a month, $25,000 of that is going to the city to park them there, but the rest of that $250,000 a month is going for security and all the maintenance and all the stuff that is required to store them there. And on top of that, FEMA's response is not to get them to the people who need them, FEMA's response is, oh, my goodness, the inspector general is right. When a big rain comes, they are likely to sink in this hay meadow. So now FEMA is spending another $7 million laying gravel on nearly 200 acres of land.

This is the kind of lack of accountability within our government that we are trying to get at with this bill Mr. TANNER and the other Blue Dogs have introduced.

Mr. TANNER. If you will yield on just that point, here is what the Office of Inspector General for the Department of Homeland Security, which is where FEMA is now, said in regard to their financial statements. ''Unfortunately, the Department made little or no progress to improve its overall financial reporting during FY 2005. The auditor was unable to provide an opinion on the Department's balance sheet.''

What they are saying is, we don't know what these people are doing with this money and they can't tell us. Congress is not asking, what did you do with the money, but if they asked, they couldn't tell them. That is what this bill goes to, and I am glad you have that horrendous picture there about all these trailers.

They can't tell you and the auditor can't tell you what happened to the money.

Mr. ROSS. I want to thank the gentleman from Tennessee (Mr. TANNER).

At this time, I would like to introduce another gentleman from Tennessee who is very active in the fiscally conservative Democratic Blue Dog Coalition, another member who is not afraid to come to Washington, stand up and say he is a conservative Democrat, and that is my friend, Mr. LINCOLN DAVIS from Tennessee.

Mr. DAVIS of Tennessee. Congressman ROSS, thank you for yielding.

Mr. Speaker, it is an honor to be here today to talk about our wonderful country. I have traveled some recently, and as I have traveled to other areas, basically in the war zone in Afghanistan and Iraq, I realize one of the greatest blessings I have had was at birth.

I was born in America, and to be an American citizen as a result of that, with all the hopes and all the opportunities and options of life any human being could expect to be given in this country. Some of those opportunities are, for folks like me, who live in a rural area, in a very small area, lowly populated, that one could also have an opportunity to run for Congress; and I took that opportunity in 2002 and ran and was elected.

I came to Washington knowing what the challenges were. I came to Washington realizing that a lot of times we see and hear a lot of smoke and mirrors, that transparency seems to be something that doesn't exist a whole lot, but I didn't really think we were going to hear of some of the things that have happened in this Congress.

The lack of oversight, the lack of hearings on how we spend our money, the lack of hearings on the war in Iraq, and the lack of hearings on virtually anything. We are almost shut down unless it happens to be the idea of the majority in this Congress. Debate is limited to just what they choose to talk about.

That is not the America I knew growing up. That is not the America I want us to have today. So I want to talk some about fiscal irresponsibility.

□ 1715

For years I heard Democrats being called tax and spend liberal Democrats. It became a buzzword, something that most folks didn't like, including me. But after I got here, I realized we needed to change that phrase. It needed to be changed to borrow and spend liberals, borrow and spend liberals, and mismanagement and spend liberals. Those are Republicans that I am talking about folks, not Democrats. Because during the Clinton administration when President Clinton left office in 2001, the deficit of this Nation was a little over $5 trillion. Today it is $8.4 trillion.

Also the Clinton administration gave this President over $230 billion in surplus that could be used to start paying down the debt. Let's take $200 billion in surplus. Over the last 5 years, that is a trillion dollars we could have paid down on our debts. Instead, what have we done? We have gone from $5.3 trillion to $8.4 trillion. That is a $3.1 trillion increase.

Just think, if we had managed government as it was managed during the 1990s, with budget restraints in place, similar to the ones that the Blue Dogs are trying to get passed, those 12-point items, think of where we would be today if we continued with $230 billion in surplus. We would be $1.25 trillion less in debt. We would now owe a little over $4 trillion instead of $8.4 trillion.

Whose fault is it? It is the mismanagement of this group. How is that the case? Because during the Clinton administration, during the last years it was 18.4 percent in gross domestic product that was being spent at that time under the budget restraints that we lived under, pay as you go. Today it is 20.1 percent, the gross domestic product.

Let me repeat those figures. The last year of the Clinton administration, it was 18.4 percent of the gross domestic product that America was spending on government. In this administration for the last 5 years, it has grown, the gross domestic product, numbers have increased obviously because we have seen the gross domestic product increase, but the number is 20.1 percent.

Does that tell you that somebody is fiscally conservative? It doesn't to me. Folks talk about commonsense approaches. Commonsense to me is the application of knowledge based upon your experiences of life.

We have too many blue blood trust fund owners in this Chamber that don't understand how to manage money. If

you have that trust fund, you don't need to worry about where your next dollar is coming from. It is coming from the labors and fruits of your parents or grandparents and the blue blood trust fund boys and girls in here don't know how to figure out how to balance the budget. Some of us have had to work all of our lives, and we know when you spend that hard-earned tax dollar of those that we are extracting it from, that it is a sacrifice from them.

It is my hope that this Congress wises up and stops being as partisan as they quite frankly have been and start addressing the issues in a transparent way with oversight and accountability.

Ms. BEAN. Mr. Speaker, I think Congressman DAVIS makes a fine point because I think it is one of the reasons so many of our constituents feel disconnected from Washington. They cannot relate to what is going on on the Hill. Most of us come from a real-world background. We have run businesses, and we have certainly run our personal finances in such a way that you could never manage the way we are mismanaging our Federal dollars.

We are now borrowing $26 billion per month. That is an outrageous figure, and it is highly irresponsible. As a result, we are spending $15 billion per month just on interest payments alone. There are so many good works we could be doing in government if we were not being so fiscally irresponsible. This is reckless borrow and spend profligacy.

To go back to what Congressman ROSS mentioned, those mobile homes were well-intended to help people who needed temporary housing in the aftermath of Hurricane Katrina. Are those being utilized? No. We don't as a Congress historically look back. We are not using legislation like Congressman TANNER's to audit and use performance measurement criteria, to see that if we are going to make the investment in those mobile homes, someone is actually going to live in them.

The concept of return on investment, something in the business world that we live by, is just absent from this Congress. The American public expects us to do a better job in that regard.

Mr. DAVIS of Tennessee. So what you are saying is that we need an audit of America, just like we would our businesses.

Ms. BEAN. That is exactly right.

Mr. DAVIS of Tennessee. I agree with Congressman TANNER on that. Just audit America and we will figure out what the problems are.

Mr. BOYD. Mr. Speaker, I think it is important for our people back home to understand that Congress appropriates the money for the executive agencies to spend. Of course the President has to sign those appropriations bills and put them into law and then the executive agency spends that money. But it is inherent upon us, and the framers of the Constitution presumed, that Congress would then provide oversight to make sure that the executive agencies were spending the money like it was designed to be spent by Congress or desired to be spent and not wasting it and that is where we have gone wrong with this.

It could have happened maybe with the other side, but you have one party controlling the White House, the House and the Senate; and the House and the Senate seem to have just abdicated their oversight responsibility.

Why couldn't we have hearings to find out about those six Mercedes and over $6 million? Why couldn't we have hearings to find out about the FEMA mismanagement?

The Department of Defense is the worst. There is an article that was published in Vanity Fair this month that I could commend that talks about some of the corruption going on in this government. And the reason for that it basically says is because Congress has abdicated its oversight responsibility, and in many cases the Department of Defense has been complicit in just allowing these things to go on without asking the tough questions.

Mr. DAVIS of Tennessee. When you talk about our national defense, I want to talk about Iraq. In Iraq, the maximum petroleum that was being produced in Iraq was 3.5 million barrels a day. That is over a billion barrels a year. At $70 a barrel, it has been running $60 to $70 a barrel for the last year almost, you are talking about $60 billion to $70 billion. Where is that money going, Mr. President? Where is that money going, Mr. Secretary of Defense? Where is that money being spent? Are we producing that as we told the American public we would be?

I understand it is down to a million and a half barrels; but even at that, we are still talking in terms of $30 billion to $40 billion. Why are we still sending money to help rebuild Iraq?

I think there are many things that we need oversight on, and the mismanagement that we are seeing of this administration and of this Congress is something that every American ought to be screaming about today.

Mr. ROSS. Mr. Speaker, I want to thank the gentleman from Tennessee (Mr. DAVIS), the gentleman from Tennessee (Mr. TANNER), the gentlewoman from Illinois (Ms. BEAN), and the gentleman from Florida (Mr. BOYD) for joining me for this Special Order this evening.

Mr. Speaker, we are here to demonstrate that if given the opportunity as Democrats, we are prepared and ready to lead this Nation. We are prepared to lead this Nation in restoring fiscal responsibility and accountability to our government. We are not just here to point out what is wrong with this Republican administration and Republican Congress. We are here to offer up real commonsense solutions to fix these things.

We have talked about them in the last hour, the 12-point reform plan for curing our Nation's addiction to deficit spending through budget reform. We have talked about Mr. TANNER's bill, House Resolution 841, to require congressional hearings when a Federal Office of Inspector General report documenting fraud, waste, abuse or mismanagement in the government results in a cost to the government of at least $1 million.

We have talked about the need for other ideas that we have that we are advancing, like the idea of the gentleman from California (Mr. CARDOZA) with H.R. 5315, a bill that would require a Federal agency to produce an audit within 2 years that complies with the standards established in the Federal Financial Management Improvement Act of 1996. If they can't do that, the Senate would hold reconfirmation hearings on any Cabinet-level official whose agency cannot fully account for its spending within 2 years.

Mr. Speaker, this past hour has been about accountability. It has been about our government being accountable for every tax dollar it spends.

Mr. Speaker, as members of the Blue Dog Coalition, we are ready, willing and able to lead this Congress if given the opportunity.

Mr. DAVIS of Tennessee. We call this the Blue Dog Coalition, not Blue Dog Democrats. We are all Democrats, but we invite the Republicans to join us so we can bring some sense to this fiscal irresponsibility. I hope some Republicans will join this coalition because it is not limited just to Democrats. Most Blue Dogs are conservative Democrats, at least when it comes to fiscal matters. And we are also hawks on defense spending, so we invite Republicans to join us.

Mr. ROSS. I appreciate the gentleman making that point. We would welcome Republicans to join us. We would welcome an opportunity for Republicans to give us a hearing and a vote on these bills that we are trying to submit to restore some fiscal discipline and commonsense to our national government.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. MCHENRY). 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 majority leader.

Mr. KING of Iowa. Mr. Speaker, I very much appreciate the profound honor to address you in this Chamber. It is a privilege that has been experienced by only a small number of Americans throughout the years.

I come to the floor this afternoon and evening to address the issues that are important to us today. I intend to bring up the issues that have to do with our border control, border security and enforcement of our Nation's laws, and to talk about the facts behind them, the reasons that the American people clearly see this issue as a necessity for enforcement, and the reasons why establishing a guest worker/

temporary worker plan in the middle of an unknown set of circumstances with regard to enforcement simply has too many hypotheticals involved in it to be able to build a good logical plan.

And to make that case, I would state that there are times in one's life when we are called upon to make large decisions, decisions that have tremendous impact, decisions that reflect and echo across through the generations. It might be the generations of our family, it might be the generations of our neighborhood. In this case, we are talking about the generations of Americans for a long time to come.

There are two opposing competing forces in this immigration field today. One of them is this powerful force that is the heart and soul of the center of America, that we need to enforce the laws that we have. We need to control our borders. We can't be a Nation if we don't have a border, and we can't call ourselves a Nation if we don't enforce our border.

That is something that is a basic fundamental that the American people know. They may not sit down and articulate it every day. They may not actually intellectualize it. They may not go back and read all of these immigration laws that we have. They may not look back and see the responsibility we have constitutionally to establish immigration laws here in this Congress. They may not do all that. They might just have a subliminal sense that is what we should do because it is common sense; it makes sense. To some it is in their gut instead of their brain, but they can trust their gut because their instincts are right on this.

They understand we have to enforce the laws here in America; and if we don't do that, we won't be forever America. That is the position on the enforcement side. That is in one corner of this prize fight debate going on across America.

In the other corner are the people that say that they are for a policy for guest worker, temporary worker. They are for a policy of amnesty by any other name, but amnesty. They have been seeking for years now to redefine the term ''amnesty.'' You can look it up in the dictionary, but the definition I keep being told I should accept is the argument of what would not be amnesty. It would not be amnesty if someone came into this country, broke the law to come in here and broke the law to stay here, and they stayed here a long time, 5 years or more. Their roots went down. They made some money. They sent a lot back to their home country. They started a family. Maybe they bought some property. Maybe they are a valuable employee to an important business that is in the community. They sent their roots down.

Now, they are law breakers. Whether they overstayed their visa or whether they jumped the border illegally, they broke the law. So then the argument is it isn't amnesty if you just say to them we think you are a pretty good citizen, other than the fact that you broke the law. We would like to just give you amnesty, but in order to avoid this argument, because we know Americans reject the idea and the concept and the real definition of amnesty, we are going to redefine it. So if you just pay a fine of $1,500 or $2,000, or the Senate kind of ratcheted it up in some cases to as much as $3,200, if you just pay the fine, that takes care of your punishment.

□ 1730

So it is no longer going to be amnesty because you have paid a price for breaking the law. I would submit, Mr. Speaker, that it is not necessarily so much as pay the price as that it puts these people on a path to citizenship.

The Senate language does that. The path to citizenship is an objective that is more than was asked for by the people who came here illegally. Many of them just wanted to work here and make money and send their money back home, or save money and go back to their home country and perhaps retire. But we are offering them the plum of citizenship for a price. And the price is maybe $1,500 or $2,000 or $3,000 or $3,200. But citizenship for a price.

And that price, I believe, is cheap; and I think it cheapens the citizenship. Citizenship should be sacred. It should be precious, and it is to those who are Americans by choice, who got in line, waited long years to come into the United States, came here, learned to speak English, learned to write English, learned about our history, learned about our culture, learned about our civilization and went through that process of naturalization and became Americans by choice, naturalized American citizens.

And I have had the privilege to speak at a number of those naturalization services in my district. And those are some very, very proud days for me, Mr. Speaker, but they are far more, as far as proud days are concerned, for the naturalized citizens. That is a highlight of their life. And in their lifetime, of the things that matter to them, the day of the citizenship ceremony stands out. It stands out and maybe stands with the day they get married perhaps, maybe the day of their first-born child, those kinds of milestones in life.

The naturalization service and ceremony is a milestone that stands with the very finest events in our lifetimes. And so those people that came here and became naturalized citizens, they don't want to see amnesty for people who jumped the border to get here or broke the laws to stay here. They know what amnesty is, and they don't want to see their citizenship cheapened by having it for sale, putting it up for a $1,500, $2,000 or $3,200 check.

What price citizenship for America? Priceless. But you have to demonstrate that you are going to respect the laws and live by the rule of law.

And so, some time back, I went to a groundbreaking ceremony for a, it was an $81 million expansion of a plant in my district. There was an individual there who was protesting me, and his signs said things such as, I am a former or a current illegal immigrant, and I believe that we ought to give amnesty to these people that are here illegally, and they should have a path to citizenship—different phrases to express what I have just said.

And so I find out afterwards that he is not shy about saying he is also a former illegal immigrant who was granted amnesty in the 1986 amnesty that was signed by Ronald Reagan.

So here is an individual who jumped the border, came here illegally, living presumably in the shadows. 1986 rolled around, and by the stroke of a pen over at the White House, he and more than 3 million others received amnesty. Now he is out protesting in the streets, declaring that 10 or 12 million or, more appropriately, 60 to 90 million people should have the same path to citizenship that he achieved by the stroke of a Presidential pen 20 years ago. And he is advocating that people break the law, jump the border, come here and make demands on American taxpayers and demands for a path to United States citizenship after they have shown contempt for the laws of the United States of America.

And their first act was to break the law of the United States of America. The very first moment they set foot on this soil across that border, they broke American law. And they march in the streets and demonstrate in the streets, with flags from other countries often, and argue that they are not criminals.

But I would submit, Mr. Speaker, that if they cross the border illegally, they are guilty of a criminal misdemeanor. By definition, it is a criminal misdemeanor punishable by less than a year in jail. I think it is 6 months, actually. But that is a criminal misdemeanor. That makes them criminals if they are guilty of this crime.

It isn't the Congress that has passed a law in H.R. 4437 that makes them criminals. That would make them felons. And they are arguing that they are not criminals.

Yes, they are. They are criminals. They haven't been adjudicated to be criminals yet, but they admit to their criminal action. They just say, don't call me a criminal.

Well, respect our laws, please. And if you do that and you don't break our laws, then we won't call you a criminal. And, in fact, we wouldn't be moving legislation that would identify felons either by that standard, Mr. Speaker.

And so people who are granted amnesty, who have broken our laws, have contempt for the rest of our laws because they have profited from breaking our laws. And that is the wrong kind of reward. If we reward lawbreakers with citizenship, what are you going to get? More lawbreakers.

The same Ronald Reagan that only let me down about twice in 8 years in

office, and I have mentioned one of those times. That same Ronald Reagan said, what you tax you get less of. What you subsidize you get more of. And you know if you subsidize law-breaking you are going to get more law-breaking, Mr. Speaker, not less. You aren't going to be able to draw a line in the sand and say now we are not going to tolerate any more law-breaking.

There is no will in this country right now within the administration to enforce the laws we have. And the White House is working against the laws that we are trying to pass asking for more enforcement. And they are working with MCCAIN, KENNEDY, HAGEL and MARTINEZ over in the Senate, working on their version of amnesty, saying we are for this. We are opposed to amnesty, but we think we ought to be giving people a path to citizenship who broke the laws to come here. They just should have to do this rigorous process of moving towards American citizenship and finding this path to citizenship, and it includes learning English and keeping a job and paying some of your taxes.

That sounds like a lot, doesn't it? Paying some of your taxes should give you a path to citizenship, not all of your taxes, some of your taxes, 3 out of the last 5 years. You pick the 3 years to pay the taxes in.

Well, I would like to be able to do that. I had a couple of good years out of the last 5. I would like to take those out and say, send me my money back, Uncle Sam. That was a little tough on me. And I want to do this. If we are going to give this to people who broke the laws to come here and who aren't paying any taxes, to offer them, you pick the lowest 3 out of the last 5 years and pay your taxes, and we will give you this plum of citizenship, I think we are going to have millions and millions of people who don't pay any income tax at all.

In fact, we have that today. So this function of just pay your taxes 3 out of the last 5 years, it will be okay. That is not amnesty. I am saying that, itself, is amnesty to not require them to pay those taxes.

Another argument that is in the Senate bill is, well, they have been here working, they have been paying Social Security taxes, so surely you will want to grant them credit for the money that they earned so that they can collect their Social Security and put pressure on that system when they reach that retirement level.

Mr. Speaker, they earned the money illegally. If they weren't here working here legally, their earnings are not legal either. And to reward them with a retirement fund when our Social Security is going to go bankrupt if we don't overhaul that Social Security, and on that case, the President has been right all along, the need of a personal retirement accounts, need to overhaul Social Security, put more pressure on it because the Senate somehow believes it is not fair.

It isn't just if we don't grant people that have been working here against the law the benefits that come with that in the form of retirement and SSI. Their families are going to benefit from this as well, the death benefit that goes along with it, the disability benefit that comes along with it, because they have been earning money under a false Social Security number. And somehow we are going to ratify and certify and give people a benefit for having broken the laws of the United States of America. That is wrong, Mr. Speaker.

And so, Social Security is one piece of this. And putting citizenship up for sale is another piece. And how do you determine the value of that citizenship? Do you grant that by what is a coyote charging today? Is it $1,500, $2,000, $3,200 in order to get passage into the United States illegally? Whatever that price is, it seems to be indexed pretty closely to the price that citizenship is for sale over in the United States Senate. That is how I would describe what is going on here: citizenship for sale in the United States Senate, running contrary to the rule of law, undermining American values, weakening our entire culture and building, not shutting off the jobs magnet, but turning on the current to the jobs magnet with even more amperage, Mr. Speaker.

Because once this carrot of citizenship, this path towards amnesty that would be granted under the Senate language happens, there will be untold millions more come across the border that want to come here and take advantage of the amnesty that has been offered, or if they aren't able to get on that particular bandwagon, then they will want to take advantage of the next inevitable amnesty that will come along.

There have been seven amnesties in the last 20 years. We talk about the 1986 amnesty; there have been six others. Smaller, lesser, they came about because we missed some people in 1986, so we had to pass a few more amnesties to catch up and kind of clean up those people that are here in this country. And the promise in 1986 was, well, but this is the last time. This time we really mean it, in 1986; this time we are really going to enforce the law. This time we are going to make sure that we seal and control our border. This time we are going to be 100 percent confident that the Federal Government is going to do their job. 1986.

And, you know, there was some enforcement going on in 1986. And it didn't take very long before we had a new President and then another new President, and then in 1992 we got President Clinton. And I was appalled at the lax approach that President Clinton had in enforcing our immigration laws. That is when I started to pay attention because I saw that there were people that were being naturalized before the 1996 election, particularly in California, perhaps a million of them, who were hustled through the process and went to the polls and voted. And they knew their duty. Go to the polls and vote. Vote for the President. That is the way you say thank you for getting hustled through the citizenship process. That was appalling to me. A million people, many of them in California.

Those people, some of them have, for want of a better term, matriculated to Iowa in order to, and gone to work there, and that is how I hear these things, they come up there, a million people.

Today, a million people sounds like chump change, Mr. Speaker. A million people coming into the United States quickly under the Clinton administration. But, the facts are, employers during the Clinton administration were far more likely to be sanctioned and punished for hiring illegals than they are today. Under the Clinton administration, they were 19 times more likely to be sanctioned by the administration for hiring illegals than they are today. The risk was 19 times greater. That is how much enforcement has diminished over the last 20 years.

1986 to 2006 enforcement of immigration laws has gone down to the point where it is almost nonexistent. Border control has not been anything that alarmed anyone in this administration until they got an alarm that they weren't going to be able to get their guest worker plan passed, and then that alarm sent out the message that said, we are going to have to position ourselves so that America sees that we are going to enforce the laws. So we have got a few more Border Patrol agents. We have got a commitment to send the National Guard down there. We have got speeches that talk about a virtual fence. And I would say that a virtual fence is not going to keep out the forces that are pushing on that border.

Now, I could talk about this border to significant lengths. I have been there about four times in the last year. But I think that those trips down to the border are far less than those that have been made by my friend from Colorado. And my friend from Colorado has been on this issue, I believe, his entire congressional life.

I have been on it my entire public life and before. I grew up believing in the rule of law. It wasn't something that we conceived of sanctuary policies, or we didn't think that because we were a municipality or a county or a State that we didn't cooperate in enforcing Federal law. Law is law and we have to work together at all levels to enforce all laws.

And issue after issue has been brought to this floor and before the American people by my colleague from Colorado, and I would be very happy and honored to yield so much time as he may consume to the gentleman from Colorado, Mr. TOM TANCREDO.

Mr. TANCREDO. I thank the gentleman, and I appreciate his efforts on

behalf of the American people. I appreciate especially his efforts on behalf of those of us, well, in fact, the American people who are demanding that something be done here in the Congress of the United States to deal with the fact that people are coming into this country by the hundreds of thousands, in fact, by the millions. And they are coming in without our permission, and they are coming in without our knowledge, and they are essentially destroying the concept of the rule of law which is, of course, one of the building blocks of this great Nation.

And it is right that they should look to the Congress of the United States for some sort of action. And it is only because so much pressure has been placed on this body and on the Senate that we are seeing the kinds of bills coming forward that are ostensibly designed to deal with it.

I believe that the House bill we passed last December was a good step in the direction of dealing with illegal immigration. It was an enforcement-only bill. It did not provide amnesty to anyone who is presently here illegally. And that is the definition.

By the way, if you say to someone, let's get this straight, because this has really been the bain of our contest between the House and the Senate, in terms of what do we mean by ''amnesty''?

□ 1745

The President has said and many Members of the Senate have said that their bill and that their idea is not amnesty because it does not provide automatic citizenship to people who are here illegally. And you have to ask yourself, as we ask them all the time, What law dictionary did you ever read that had that definition of ''amnesty''?

Amnesty is, of course, when you do not provide the penalty that is prescribed by the law that has been violated. That is amnesty. So if you have come into this country illegally, there is a law that you have violated. What is the penalty? It is, under the law today, that you be deported.

Now, when you say to people that we are going to disregard that; that you can, in fact, be here illegally; that we will ignore that entirely, that now you may have to pay a fine or may have to do a couple of other little things; and, therefore, what I am saying is not amnesty, that is wrong, and it should not be allowed to go without being called because, frankly, they are trying to confuse the American people. And they want to go out and tout some sort of bill that will be, ''enforcement only,'' but it will have this component: It will have a guest worker/amnesty component. Every single one of the bills over there has that. Some of the bills that have been introduced over here have that particular component.

So it is our duty, and my colleague has done a great job on this, to identify the problems and pointing out when people over on our side, even, try to introduce legislation and, again, cloud the issue of amnesty, that we have got to be clear with the American people. This is far too important, and we cannot allow ourselves the great latitude that is designed in most of these bills to go out there and say we have dealt with immigration, because we have not.

You can see the fact that it is reaching a boiling point in America, and one way of determining that is to see what is happening in the States. And it is amazing because States now are taking on this issue because the Congress will not. States like Georgia and Alabama and Florida, and now we can add to the list Colorado, which recently passed a bill that came out of a special session called by the Governor. Now, this is amazing in and of itself, a special session of a State legislature. They had gone out of session.

The Governor called them back and said, You have got to deal with something here. And what was that something? Was it the prison system? No. It was illegal immigration, because, of course, the State of Colorado, like every State, is being impacted by this problem and impacted negatively. The costs are enormous. And so they were called into special session, and Colorado did pass a bill. By the way, a Democrat legislature that could not figure out a way to not pass it. I mean, they tried everything imaginable to avoid it, and finally they had to come to the point where they did pass legislation that will restrict social service benefits to people who are presently legally in the State of Colorado. And this is an amazing thing.

Like I say, Georgia has passed, I think, perhaps the best series of laws on this issue. The State of Alabama has contracted with the Federal Government in a memorandum of understanding saying that the State police will identify to ICE, the Immigration and Customs Enforcement, officials everyone they come in contact with who is an illegal immigrant and those people will in turn be taken away by ICE. That is an agreement they have come up with. Florida is following in their footsteps.

This is happening throughout the United States, and I am happy to see it. But it only points out that there has been a dereliction of duty here at the Federal level because clearly this is one of the constitutional areas that is clearly defined as Federal. I mean, it is our role. It is our responsibility. It falls on our shoulders.

Sixteen sheriffs along the border in Texas formed together an alliance to try to defend their border. I mean, what does that tell us here? They look to us for support. And one of the things they were asking for, by the way, was just financial aid so they could buy equipment and arms to be as well armed as the people they were facing on the other side of the border.

It is about time that we do something, but that something has to be substantive. It cannot be eyewash. And it is going to be our duty, yours and mine and others who care about this issue, to bring to the attention of the American public exactly what is going on here, the nature of the bills that are being introduced. We have to be very specific, and we cannot let people cloud the issue.

So I just again want to thank my colleague from Iowa for the yeoman's work he has been doing on this and the fact that he has done exactly what I have said. He has identified bills that have been introduced, even by our own colleagues over here, specifically Mr. PENCE, and explained why those bills are, in fact, also amnesty. I mean, that bill is, in fact, amnesty, and others like it have an amnesty provision to it that people can get citizenship if they are here illegally under those bills. Even though there are all these protestations to the contrary, the fact is that that is still what is being pushed. The other side will do anything to get a guest worker/amnesty plan, including the suggestion that it will all be done under a guise of enforcement first. We have to be very careful.

And I just, again, want to thank my colleague for his efforts on behalf of the people of this country on especially this issue.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Colorado.

It is important, I think, Mr. Speaker, that we are able to hear that direct message from the Colorado State legislature. That is an amazing thing beyond the conception of us, I think, here a year or two or three ago, let alone four or five or six when this issue first came up. And I would even go back to my recollection in 1996, when Pat Buchanan ran for the Presidency and he said, I will call hearings. I will make sure we have a national debate on immigration.

And that was what we lacked in 1996. That is what Mr. TANCREDO has been working for for all of these years he has been in this Congress. We are at this point now where you cannot avoid a national debate on immigration. It is everywhere. It is in the coffee shop. It is at work. It is here in this Congress, Mr. Speaker. It is in our churches. It is in our homes. It is absolutely everywhere. And the reason is because it has gotten so bad that Americans are being personally impacted piece by piece by piece. They are standing up saying, What can I do within the jurisdiction that I have, within the resources that I have? How can I step in and fix this? And we have seen other States take action too. There have been 8 or 10 States that have had some kind of legislative immigration activity going on. And so I applaud them for that.

And the Minutemen, I had the privilege to go down to the border of Arizona and Mexico and help build some fence to get some of that project started. And I happen to have a list of 25 Members of Congress that would be happy to help put some fence up to be able to control this border.

But I want to lay a little groundwork for that before I yield to my colleagues. And that is this: that an administration that had the determination to shut off the jobs magnet and enforce the laws at our borders; if we had the ability and the will to enforce our borders and shut off that jobs magnet, and add into that shutting off birthright citizenship, which is another magnet that brings people here and starts that chain migration for up to 350,000 babies every year that should not have been born in the United States of America, those kinds of decisions from an administration that was committed could have kept this under manageable proportions.

But what really has happened is that lack of commitment has allowed for a lack of enforcement. The lack of enforcement, that message echoes through the entire countries south of our border, on the Rio Grande and at our border with Mexico. When that happens, it magnetizes and more people come into the United States.

Now we have a situation where 4 million people a year pour across our southern border. Four million. And I went down there and repeated what the Border Patrol tells me here in hearings, that they stop perhaps 25 to 33 percent, a fourth to a third of the illegal border crossers. And they are not very free about talking about what percentage of drugs they interdict coming down there. They will talk about the tonnage, but not the percentage. They say 25 to 33 percent of the border crossers they stop.

And I say that to the Border Patrol people who are down there sitting in a nice quiet place where they do not have to worry about a superior listening in on them. And some of them laughed when I said, You are stopping 25 percent, maybe 33 percent? Some of them laughed. None of them said yes. One of them went into hysterics and said, 25 percent? We are not stopping anywhere near 25 percent.

I asked them all what is the number. The most common number I got was perhaps 10 percent. I had one of the high-level investigators tell me we stop about 3 percent of the illegal crossers and about 5 percent of the illegal drugs. But the power and the force of this is just awesome. It is $65 billion worth of illegal drugs coming across our southern border, and that is a powerful force, Mr. Speaker. That force is so powerful that even if we shut off all illegal people coming across the border, even if we shut off the jobs magnet here in the United States, even if we end birthright citizenship to shut off that magnet, that does nothing to shut off the $65 billion worth of illegal drugs.

And that is why we have got to build a fence, and that is why we have got to build a wall. That is not an administrative decision on whether to enforce or not, whether to deploy people or not, or whether to actually arrest them and prosecute them. That is a physical barrier, not an administrative decision. That is why it is important, Mr. Speaker.

And I would be happy to yield to my friend from Virginia who raised this issue with a powerful voice on immigration.

Mr. GOODE. Thank you, Mr. KING. I want to thank you for having this hour to address this most important topic. I also want to thank Congressman TANCREDO for his tireless efforts over about an 8-year period.

I was thinking the other day when the Immigration Reform Caucus first started that there was a handful of Members, and I believe it was around 1998 or 1999 when it first began. And now I think there are over 100 Members in that caucus. Well over a third of the House is in the Immigration Reform Caucus. And the issue received very little attention prior to September 11. After that the issue received greater attention.

I will have to say that I remember the days in the late 1990s when Mr. TANCREDO would come over here, and others who would talk on this issue, and it was almost as if he had leprosy. They did not want to talk about the issue. But the issue is probably the burning issue in the country today. If not, it is certainly in the top three.

And I want to thank Mr. KING, Mr. TANCREDO, Mr. MILLER, Mr. GINGREY, Mr. WILSON, and a number of other persons that are here tonight focusing on this issue which is so crucial to the future of the United States of America.

If the massive invasion is not stopped, we are going to be flooded to the extent that we will drift into third world status. For our children and for our grandchildren, we cannot fail on this issue.

You mentioned magnets, and that is the reason so many come.

Let us talk for a minute about amnesty. In my district there are some persons, I am pretty sure, here illegally, in the United States, and it is common sense, street talk about why they come. They say if we can get across the border, swim the Rio Grande, or walk across the mountains, avoid the dangers and the pitfalls of the gyrating temperatures, if we can get to this country and we just stay here a few years, history tells us we will get an amnesty and we will be okay. We can avoid the checks that all the others go through. We can avoid the background checks. We can avoid the health checks. We can avoid the security reviews that going through a regular visa process or becoming an H–1B or an H–2B or an H–2A worker involves.

□ 1800

Amnesty is the magnet. Other magnets that you mentioned are anchor babies who get benefits in this country and employer deductions for employees, even if they are here illegally, which Mr. KING is addressing. There are a number of other magnets, but probably the biggest magnet is the notion, if I can get there just for a little while and stay a couple of years, I will be safe; I will never have to go back.

There will be some in that body across the hall or in the executive branch down at Pennsylvania Avenue saying there is nothing we can do; they are here now, we cannot be firm. But I would submit to you, as some of you on this issue have stated in the past, if we were to draw a line in the sand and say the Senate bill that includes amnesty would never become law, we will never have it in this country, we are putting a line in the sand tonight in saying no amnesty under any conditions, those that marched in by the tens of thousands would likely march out by the tens of thousands because they would know then that their hope for an amnesty like that which occurred in 1986 and like that which occurred under President Clinton would not happen again.

Failure to address this issue with firmness and forcefulness is creating a dangerous situation in this country. We have all talked about how those who would do us harm can infiltrate and become part of the flood that rolls into America day after day, hour after hour, and week after week. We must secure our borders.

We only have to look at the prison population in the United States. I serve on the Commerce, Justice, State Subcommittee of Appropriations. The head of the Department of the Federal Bureau of Prisons testified before our subcommittee just a couple of months ago, there are 189,000 persons incarcerated in the Federal penal system. Of that 189,000, 50,000 of them, according to him, are illegal aliens. Think how much we could reduce the Federal prison costs if we had no illegal aliens in this country. Think how much you could reduce local jail costs and State prison costs. That percentage of incarcerated illegal aliens far exceeds the percentage of illegal aliens in our current population.

I would like to close by mentioning deficit reduction. I hear many persons across the 5th District of Virginia, around the Commonwealth and in other parts of our country say, we need to get the deficit under control, we need to be in a position in this country of not having a deficit. When you add up the impact of illegal immigration on our local governments, our State governments and our own Federal Government, you are talking around $70 billion per year, and that is probably a low estimate.

Stop illegal immigration by saying ''no'' to amnesty ever, and by adopting a number of the measures that the fighters for border security support, and we will go a long way towards ending the deficit in this country.

Mr. Speaker, thank you for this opportunity to address you.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Virginia

(Mr. GOODE) and appreciate particularly the strong voice that you have been, solid and consistent and strong. I remember you were at one point saying, I want a wall and I want it 2,000 miles long and I want it from San Diego to Brownsville. I am looking forward to the day when that last mile gets built, and by then maybe we will have the kind of border security that we need.

But Californians have a long experience with the border control issue, and one of the leaders on this issue is the gentleman from California (Mr. GARY MILLER), and I am very happy to yield to him.

Mr. GARY G. MILLER of California. Mr. Speaker, thank you very much for yielding.

I represent the 42nd Congressional District in California, and for those of you who have not been to California, I do not truly believe you understand the concept of illegal immigration.

When I hear my colleagues, and individuals I consider friends, they get up before us and say, a guest worker program is needed to fill those jobs that Americans will not do, I guess you have to define what are the jobs we are offering Americans. What wages are they offering Americans to work is probably the best question.

The National Journal, in fact, did a study that I know determined in 1973 that the average manufacturing job in nonmanagerial service work paid about $15.24 an hour. At that time, you could get a job in construction, in manufacturing, most businesses. A man or woman could afford to own a home, send their kids to school, live a good, quality life and plan for the future. The problem was that in 2004, those jobs that in 1973 paid $15.24 an hour, paid $15.26 an hour.

Talk to the individual who was a carpenter, who was a plumber, who poured concrete, who did masonry, who was honorably employed by a manufacturing company, that was paid good wages, and you saw this dramatic change start to occur during the recession in California of the 1990s. All of the sudden things were tighter. People started hiring individuals here in this country for a much lesser wage than the American citizen was willing to do that job for.

A good example, I remember seeing dry-wallers being laid off and an illegal being hired. It is not that illegals are bad people. By and large, they are really good people. They are just trying to come here to better their lives. So it is not a matter of race or discrimination. It is just the fact that can the United States accept all the poor that this world wants to send here? And if we decided to do that, why not accept them from India? Why not accept them from Asia? Why not accept them from anyplace in the world and double, triple, quadruple our population if we are just going to be benevolent and accept people who are poor and want to better their lives?

But the problem you have, and this is back to the dry-waller, then you see an illegal hanging dry wall and his wife and kids are going behind him nailing the dry wall off to get the job done quicker so the husband could produce more at a much lesser rate than the American citizen was paid before.

Now, how do you explain that to the American who was born here, who was educated here, who perhaps does not want to put a suit and tie on to go to work in the morning, who wants to work with his hands in that job that he is very capable of doing, but cannot afford to do for the reduced rate that an illegal is willing to work for? How do you tell that man he cannot support his family, educate his children and cannot afford a home anymore?

In the National Journal, it is not me saying it, it is them saying it, that over 30 years later we are paying 2 cents per hour on average more than we were paying in 1993. I do not think Members of Congress who, as I say, get up and put a suit on in the morning and wear ties understand that people working for a living in this country are those who are most impacted by what we have done.

We have to hold employers accountable. For an employer to say, well, I just do not know; well, that is unrealistic, because we have a pilot program today that any employer in this country can go verify whether that individual is a citizen or not. If you are unwilling to do that and you hire questionable employees that you know or you suspect are not here legally, you are violating the laws of this country. The sad thing is, the violation of that law is hurting American workers who would love to have that job.

Are there some jobs in this country that I think we maybe need to look at? I think after we enforce the current laws that are on the books, or we pass new laws to stop illegal immigration, then let us look at the jobs that we do need to fill. I do not think there is an argument by many people that the agricultural industry, farmers, are probably going to need some labor. We have needed them historically since World War II, and before we had a program that took care of that.

So there are certain industries, whether it be landscaping, gardening, I do not know if we have got to have them for food services, but I think there are certain industries where we are probably going to recognize that we do need some guest worker programs.

But to come in with a concept, let us just have a guest worker program for anybody who wants to hire somebody at a wage an American citizen is not willing to work at is an absolutely unreasonable approach to a very real problem that is not getting better daily.

We talk about an amnesty program, which is what I consider the Senate bill to be. In 1986, we allowed amnesty, and what did it get us? Nothing. It created more citizens of those who were here illegal, but we did nothing to enforce the law after we allowed amnesty for those that were here illegally.

The American citizens, the people I represent, do not believe us anymore, and they do not believe us for good reason. What we told them that we were going to do in 1986 we did not do.

I think we need to go pass a law today, a new law that is strict, enforceable and specific on what we are going to allow and not allow. We need to prove to the American people that we are going to send law-breakers back and we are going to hold employers accountable for hiring people that are here illegally.

Now, one argument that I hear repeatedly is, well, what are you going to do with all the people that came here illegally? They came here for a job, and if there is no job, they will go back home. The government does not need to provide buses. The government needs to remove the incentives that allow people to live here.

There are many. We need to crack down on employers, number one. We need to prohibit access to credit and financial service. We need to prevent illegals from gaining access to food stamps, low-income housing and health care.

I cannot go to Mexico and buy a house. They will not allow me to. Well, why should somebody come to this country illegally, violating the laws of this country, and be eligible to do something that they will not allow us to do in their own country?

Can you imagine going to Mexico and saying, I want a ballot printed in English? I want you to teach my children English in school? I want you to provide free health care at the emergency ward at the hospital for them? And I want you to allow me to stay here when you know I am staying in violation of your laws?

If I go to Mexico illegally, they will arrest me, confiscate my assets and deport me immediately. Those who come here from those countries act like we are being abusive when they came from a country where they have not in any way tolerated what we are told we have to tolerate here.

Now, it does not amaze me that when we send a bill out of the House to stop this problem, that Mexico and South American countries would oppose it. Well, why would they not oppose it? It does not benefit their interests. Their interests are sending anybody to this country, helping them come to this country, provide information to them to come to this country so they can earn money and send it back to their home country. Well, that is wrong.

This is the Congress of the United States of America, and this Congress should protect American citizens first, understanding that in South America and Mexico there are very good people. They are our neighbors; there is no argument about that. But if they want to come here, they should come here the same way I have gone to their country;

and that is go there with a visa, go there with a passport, and when I am through, I come home. I cannot just overstay my welcome as long as I deem that I should be there. I have to come home or they will send me home.

We welcome them into our country if they want to come on vacation, come to visit their families or come to do what they want to do, but at the given time, you go home and you do not come here illegally to get a job thinking you are going to stay in violation of the laws this country has placed upon the books.

Now, we are either a country of laws or we are not a country of laws, and today, we do not enforce the laws of this country at all. This concept we have in the Senate bill of earned citizenship will absolutely bankrupt our social fabric in this country. We cannot spend $50 billion a year, as it is estimated, on those coming to this country who, once they become citizens, are eligible for every program on the social books that we have in this country. We cannot afford it. We should not tolerate it.

Go to California and look at the impact on schools. I have talked to teachers who said they are holding this class back because the bulk of the student body in that class do not speak English. Now, yes, it is a benefit to those kids who are here illegally because they are being educated, but it is a tremendous detriment to the children of American citizens who are being held back because the rest of the class cannot speak English to be moved forward.

□ 1815

Go to an emergency ward in California. You will wait for hours. People go there that are illegal, cannot speak English, for a sprained ankle, for a headache, for a cold, for basic health care. That is not what an emergency ward is for. And who is paying the bill? The people who use the hospital, who are having to subsidize it because they are losing money treating illegals.

We are a compassionate country. There is no doubt about it. If someone is here and they have had an emergency and they need to go to the hospital, they should be treated. You should allow nobody to suffer, nobody to die, but you cannot tolerate 12 to 20 million people coming here with this concept that health care is free, because when they get it they do not have to pay it.

Well, you cannot blame them for that. The people you can blame are the people in this room, for not making sure the laws passed by this Congress are enforced in this country. We can no longer tolerate it. Once again, they are good people that are trying to get here, by and large not bad people. But the American citizen cannot afford it.

It is our responsibility, first of all, to protect and defend our borders. We are not doing it. And we should be concerned about the future of America and American citizens. Hopefully, when this debate continues and enough good people come here and talk about the impact on this country, we will fix the wrong that has occurred and make sure it does not happen again.

Thank you.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from California (Mr. GARY G. MILLER) for that presentation and that perspective. It is a little bit different one than I often bring to this debate, and very glad that it is here on the floor, Mr. Speaker, and am glad that it is something that the American people can pick up on as well.

Before I yield to the gentleman from Georgia, I am going to do the 2-minute drill on the King Wall on the border. I come to this conclusion this way. As the gentleman, Mr. MILLER, made the statement that people come here and work and send their money back. And that dollar figure now is $20 billion that gets sent out of the labor here in the United States. Many of it is the labor of the people that are working here illegally. $20 billion to Mexico. Another $20 billion to Central America and the Caribbean. $40 billion out of this economy being sent out by people who come here that undercut the wages of American people.

$40 billion going south. $65 billion going south to pay for the $65 billion dollars worth of illegal drugs that come across our porous border. And they used to take that, and maybe still do, bring in some of those drugs on semis. There are places that the border is not even marked. So they can drive across the desert; they can drive their own road. In New Mexico, for example, the border, you would never know you crossed the border there, because when they finally set that border up, they set one of those big old big brass transits, probably not a lot different than Lewis and Clark had back in those days, and looked across at the horizon and put a concrete pylon up on top of the highest point of the horizon, lined up on that and then said, okay, now we will go to the next horizon, put up another one. That is all that is there.

And so there are roads that are made that cross the border a lot of places; the channel of the Rio Grande River gets driven across a lot of places. A place that is infamous, now called Neeley's Crossing, where they bring drugs across there and defend that border and threaten Americans that want to seal that off.

All this is going on, Mr. Speaker, and a lot of it is not just the force of people that want to come here for a little better life, not people who just want to pick lettuce or tomatoes or go work in a sheet rock crew or whatever it is, but $65 billion worth of illegal drugs.

So whatever we might do to shut off the jobs magnet is not going to shut off those illegal drugs. That is another force. And that force is far more powerful than the desire for people to change their lifestyle.

So when I go down there and sit on that border, what I do is I have come to this conclusion: we cannot shut that off unless we build a fence and a wall. I want to put the fence in, but I want to put a wall in. I designed one. And this just simply is the desert floor. Put a trench in that desert floor.

We have the ability to put together a machine that would be a slip-form machine that would lay a footing, about like this, Mr. Speaker, if I give you a look at the end of that, so you would have that about 5 foot deep underneath the ground. That would keep the wall from tipping over.

We would pour a notch in it that allows us to put precast panels in. It would look like this, only this would be flush with the desert floor. And then you would bring in precast concrete panels, 10 feet wide, 13½ feet tall. They would construct it to be a 12-foot finished wall, just like that, Mr. Speaker.

Drop these panels in together, in this fashion, just take a crane and drop them in, Arnold Construction Company could build a mile a day of this pretty easily once you got your system going. And it is not all going to work, the whole 2,000 miles are not going to work that way, but a lot of it will work this way, Mr. Speaker.

And so just to wrap up this construction, this would be an example then of how that wall would look. Now you can also, you deconstruct it the same way. You can take it back down. If somehow they got their economy working, and got their laws working in Mexico, we can pull this back out just as easy as we can put it in. We can open it up again and we can open it up and let livestock run through there or whatever we choose.

I also say we need to do a few other things on top of that wall, and one of them being to put a little bit of wire on top here to provide a disincentive for people to climb over the top or put a ladder there.

We could also electrify this wire with the kind of current that would not kill somebody, but it would be a discouragement for them to be fooling around with it. We do that with livestock all the time. So I submit we build a wall like this, we do it for as many miles as we can, as many miles as we need, but it is roughly going to be 2,000.

And when you do that, then the Border Patrol that we are spending $8 billion to protect 2,000 miles of border, $4 million a mile, we can build this wall for about $1.3 million a mile. If we do that, then that frees up our forces to be effective. And this would force the traffic through the ports of entry rather than across that vast open space that we have between San Diego and Brownsville.

This will be economically feasible. The $4 million a mile, we can make an investment of about $1.3 million for each mile, and that is only one time one year. Otherwise, we are paying Border Patrol $4 million a mile every single year. What do we get out of it?

$65 billion worth of illegal drugs and 4 million people coming across the border. This will shut off almost all of that. This will direct almost all of it through our ports of entry.

Those are the reasons, some of them, not all of them, Mr. Speaker, on why we need to build a wall. But in the brief time that we have, I want to make sure that I can yield to the gentleman from Georgia who has been such an eloquent voice on this issue.

Mr. GINGREY. Mr. Speaker, I thank Mr. KING very much for controlling the time in this hour. I thank him for yielding, and certainly Mr. MILLER and Mr. TANCREDO, Mr. GOODE and others that have spoken during this hour. Those are the eloquent voices on this issue. They are not crazy voices. They are voices that are basically saying, you know, we got laws in this country and we need to enforce them.

We need to secure our borders first and foremost before we consider any other options in regard to things like a temporary worker program or what to do with the estimated 12 million people here that have been in this country for various and sundry periods of time illegally, most of them working, yes. There is no way in the world you can determine really how long they are here because of fraudulent documents.

But the ideas that have been proffered, like the idea that my friend from Iowa has suggested in regard to this, because I do not know if we need a fence, Mr. Speaker, for 2,000 miles all of the way from Brownsville to San Diego, but we definitely need some fencing. There is no question about it. There are certain areas of our southern border that you cannot control without the type of fencing that Mr. KING has described.

And we need to do that. In fact, in this body, in this House of Representatives, in our bill that we passed, actually we passed two bills over the last couple of years, the first one being the REAL ID Act, which is exactly what the 9/11 Commission has asked for, that bipartisan commission in unanimous fashion, we responded to exactly what they were asking us to do in the REAL ID Act.

Then we followed up with the Border Security Act toward the end of 2005, calling, Mr. Speaker, for 750 miles of fencing, not 2,000, but 750. What does the Senate do? They come along with a bill that calls for about maybe 300 miles of fencing, at the very most 370 miles.

My friend, Mr. KING, who has been such a strong advocate on this issue of border security knows that that is totally, totally inadequate, particularly if you are talking about the dense population centers below our border States. I know in the REAL ID Act, we finally completed 14 miles of fencing at the San Diego border that the environmentalists had blocked for years because of some endangered shrub the hordes of illegals that were crossing trample those shrubs down pretty effectively, taking care of any concerns that the environmentalists may have had.

But listen to some of the things that are in the bill on the Senate side compared to what we have passed on the House side. They would allow guest workers, so-called guest workers to be paid the prevailing wage. That is the Obama amendment, when American citizens do not have to be paid prevailing wage.

They expand the visa waiver program to countries in the European Union in good standing with the United States and allow the State Department discretion for adding new member countries. Mr. Speaker, we need to suspend the visa waiver program. We absolutely, after 9/11, this idea of saying that people can come into this country with a passport, no visa, and stay for 90 days, no way of knowing exactly who they are, just a routine stamp of a passport, and then they may or may not go home after that vacation or that summer that they spend in one of our colleges or universities, and we do not know where they are.

We need, and we called for this in the PATRIOT Act, we called for this in the 9/11 Act, that we knew, we could verify entry and exit. Until we can do that, the idea of expanding, Mr. Speaker, the visa waiver program is ridiculous.

The bottom line is this. I think the House has got it right. I think the Senate has it wrong. We need to secure our borders first and foremost. And no amnesty. I yield back. I thank the gentleman for yielding.

Mr. KING of Iowa. I thank the gentleman from Georgia. I yield back, Mr. Speaker.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again it is an honor to come to the House floor. We would like to thank the Democratic leadership for allowing us to have this hour. The 30-something Working Group, as you know, comes to the floor if not daily every other day when we have the opportunity to do so, to share with the Members of the House initiatives and plans that we have on the Democratic side of the aisle that will make America better and stronger.

As you know, we have been on the message of a new direction for America, and we have been working very hard on that because that is the message that we have and that the American people are looking forward to seeing implemented.

So many times here on this floor, we talk about ideas and concepts, but they never really make it to the legislative debate, due to the fact that here in the House, Democrats are in the minority; and the majority has adopted a rule that there is not a true bipartisan spirit here in this House, only when we vote on post offices and naming bridges.

But when it comes down to policy, policy that is affecting the people that we represent every day, there is a great divide, a divide to where we are not sitting down at the negotiating table, in committee, in subcommittee, and definitely not sitting down before legislation comes to the floor in a conference committee to talk about what is best for America and how can we make it better.

The American people yearn and hope for Democrats and Republicans and the one Independent in this House to work together. I think it is important to outline the fact that our leadership has said if given the opportunity, earning the opportunity of the American people to lead, that you will see a bipartisan spirit, not only spirit, you will see bipartisan action in this House on major pieces of legislation dealing with health care, education, how we are going to balance the budget, just not talk on how to cut the deficit in half or we may cut the deficit in half, really breaking down the deficit so that we will not pay more than what we are spending and investing in education, homeland security, and veteran affairs.

That is why we come to the floor. And we start talking about a new direction for America, making sure that health care through prescription drugs, and also making sure that HMOs eliminate wasteful spending and a number of other reforms that should take place there so that we do not have so many Americans going into emergency rooms.

Also lowering the price of gas and achieving energy independence is one of our major goals. There was just a report that was released by the Agriculture Department that is now having some sort of discussion about ethanol and what we can use, how we can use the ethanol and how it can play a role in making us independent, the E–85, and our proposal of putting America on a new direction or in a new direction.

□ 1830

We talk about the importance of alternative fuels, not just investing in the Middle East and not investing in the Midwest. So we look forward to continuing to push that philosophy here on this floor as we have the opportunity to lead this House, knowing the American people can deliver that, making sure that working families making more than what is presently the minimum wage, increasing that minimum wage, making sure they are able to bring home more to their families.

Millions of Americans are living on the minimum wage. It has been very difficult. And we have charts here, Mr. Speaker, that would illustrate how the minimum wage, we haven't seen a national minimum wage hike since 1997,

but we have seen increases in other areas where families are still expected to perform under those circumstances. And I think that is where we are finding our shortfall as it relates to individuals being able to afford college. Cutting the cost for college, making sure that there is a tax deduction for college tuition and expanding the Pell grants and cutting the student loan costs in half, making sure that college is affordable, and rolling back the increases that Republican Congress have put on students.

Not just students. When people talk about students, they think that we are just talking about young people that graduate from high school. We are talking about families that have invested their entire lives with their children to make sure that they can go to school, that it is affordable, that we don't continue to move the goal post the closer families get to making sure that they can provide for their young people to achieve a college education.

Also, preventing the privatization of Social Security, coming up with real Social Security reform, and making sure that folks can retire in dignity knowing that they have a Social Security plan and a Social Security card that is more, that stands for the security of their retirement.

Also, those individuals that are on disability, those individuals that are receiving survivor benefits, making sure that they don't end up in some line somewhere reporting to some private institution because someone thought it was a great idea to make money for individuals on Wall Street,

And, lastly, I would say a part of a new direction for America is really being fiscally responsible. Now, the first Democratic hour out here, Mr. Speaker, we had the Blue Dog Democrats that were here, and they spent the entire hour talking about fiscal responsibility. And I think it is important that the American people and the Republican majority House understand that we have the will and the desire and the track record to show that we truly know how to balance the budget, surpluses as far as the eye can see when President Bush went into office and a Republican majority was emboldened, and now we are borrowing at a rate that one writer in the Washington Times, Mr. Chapman, had said that the President has dethroned Lyndon Johnson as it relates to spending. And that is a heavy statement to make, even though I feel very strongly that President Johnson at that time of transition invested truly in America and not just in billionaires and millionaires receiving tax cuts, and also oil companies running away with public dollar giveaways to them and record profits at the same time.

I am so honored tonight, Mr. Speaker, as usual, to be joined by my colleague just north of my district and just west of my district and east of my district in some areas, Ms. DEBBIE WASSERMAN SCHULTZ from Florida, and also Mr. TIM RYAN from Youngstown, Ohio.

As you know, last evening, Ms. WASSERMAN SCHULTZ, I was sharing with the Members we don't just come to the floor, we actually meet to talk about these issues that are facing Americans. And I think it is important that we continue in that spirit and moving America in the right direction, in a new direction than what they see right now from the Republican majority.

Ms. WASSERMAN SCHULTZ. And it is a privilege to join you and Mr. RYAN and Mr. DELAHUNT each night that we take the House floor and talk about the new direction that we as Democrats would take this country. Because what most people have seen in America recently is essentially the Republican leadership's efforts to engage in the politics of distraction, because they have to distract the American people from what is really going on here because the reality that is going on here is too painful to closely examine.

I mean, they certainly can't hold up their wild success to the American people for examination and celebration because they haven't had any wild success. We are looking here at a record deficit, as you discussed, Mr. MEEK. We are looking at record gas prices. We are looking at record numbers of Americans who are without health insurance. We are looking at record increases in the cost of health insurance, small business owners who are unable to continue to support their employees and provide them with health insurance benefits. And we are looking at a woeful inability on the part of the Republican administration and this leadership of this House to protect the homeland and focus on domestic homeland security.

That is why they instead have focused on things like the Pledge of Allegiance and whether students are saying ''under God'' in school when they recite the Pledge of Allegiance, and they are focusing on amending the Constitution to prohibit flag burning or amending the Constitution to ban gay marriage. Now, each of us might have our own individual opinion on those matters, but when you go to Youngstown, Mr. RYAN, when you go to Miami, and when I go home to Broward County, I just don't hear, and I would bet you my last dollar that the vast majority of our Republican colleagues don't hear one, two, three, four, or five on the list any of those items. More likely, you have the father of four who leaves his house in the morning not worried about whether his son is going to be able to say ''under God: In the Pledge of Allegiance that day, but whether or not he is going to be able to afford the $55 it is going to cost him, at least, or around, to fill up his gas tank.

And how about the mom whose son or daughter is fighting on our Nation's behalf in Iraq or Afghanistan? Do you think she is worried about whether Congress is going to pass a constitutional amendment to ban flag burning? Because that is certainly a notion of patriotism. Or is she more likely praying every single day that her baby is going to come home to her? I would say it is more likely the latter. And those are the kinds of issues that people are addressing with us when we go home.

Mr. RYAN of Ohio. Or at least have a discussion about how is this going to end; how is this thing we have in the Middle East going to end. We are not having that discussion. We are all patriotic; we all support the country. We are Members of Congress. For God's sake, we love America. That is easy. And if you want to say ''under God,'' say it. Parents should tell their kids, just say it. Problem solved.

Ms. WASSERMAN SCHULTZ. But could you imagine, they actually rolled out an agenda that those items were at the top of the list. Because what they have to do is they have to try to distract the American people from their pitiful failure here, from their inability to get a handle on the deficit, from their inability to do anything about alternative energy exploration and reducing gas prices, about their inability to expand health care to more people, and their inability to develop any sort of plan to eventually get us out of this endless war in Iraq, and their inability to deal with domestic homeland security, border security, while protecting our American people here at home.

They are real focused on protecting everybody else in the world and making sure that everybody else in the world's quality of life is in good shape. What about the folks here? No, instead they just want to spend a lot of time on the issues that are really none of their business, that are really just decisions that families make inside their own homes among family members.

Mr. RYAN of Ohio. I guess if we were on the other side, Mr. Speaker, I guess the question we have to ask ourselves is, Why are they trying to distract? What are they distracting us from? And I think when you look at what is happening and why the Democrats want to take the country into a new direction, all you have to do is look around. And I know, Mr. MEEK, and you know, Mr. MEEK and Ms. WASSERMAN SCHULTZ, there are a lot of Republicans, when we start saying this stuff, they have got to turn their TV off, they can't listen to it because I think it rings true.

The bottom line is this, the neoconservative Republican agenda has been implemented into the United States, period. And look around, here is what it looks like: Iraq, Afghanistan, gas prices, health care prices, tuition costs, minimum wage. Look around. Deficits, who are you borrowing it from? That is the neoconservative agenda. It is here. And we need to take the country in another direction. So they obviously don't want to talk about it.

Ms. WASSERMAN SCHULTZ. So as Mr. MEEK was saying, what we would

do if we were in the majority, and hopefully the American people will give us that opportunity in November, we would make sure right at the get-go as Leader PELOSI, who will be Speaker PELOSI when we win back the majority, as she talks about, one of the first things that we will do the first week, raise the minimum wage. It hasn't happened since 1997, going on 9 years now. That is just pitiful. You have got people in America, 7 million people in America making $5.15 an hour. That is just an outrage. And we have got to make sure, that is the kind of issue that people need the Congress to deal with.

I mean, in our home State we have had to address it inside the State of Florida. Because the Federal minimum wage hasn't been raised in 9 years, we have got to make sure as we take the country in a new direction, as Democrats would do, we would focus on fixing the ridiculous prescription drug plan that they passed for Medicare beneficiaries. We would make sure that the doughnut hole that provides this humongous gap that senior citizens are falling through after they reach I think about $2,500 in coverage for prescription drugs, they fall through that doughnut hole, and they literally have to spend several thousand dollars out of their own pocket before the part D prescription drug benefit picks back up.

It also prohibits the Federal Government from negotiating with pharmaceutical companies. We would make that change, and we would require the Federal Government to negotiate with pharmaceutical companies. Literally, the difference between prohibition and requiring it, and just like they do in the VA right now, and save millions and millions of dollars. I mean, who was this bill for?

If you want to make sure that there is a part D prescription drug benefit that benefits senior citizens, then people will vote for us. If they want to make sure that there is one that benefits the pharmaceutical industry, then people will vote for them.

Mr. RYAN of Ohio. And just those few steps that we can take in the first week that we are here, talk about taking the country in a new direction. Imagine if we raised the minimum wage that first day, imagine we cut the student loan interest rates in half saving students and parents $4,000 or $5,000 over the life of the loan, the negotiation by the Secretary of Health and Human Services with the pharmaceutical companies, the money we would be able to save the government just in those three steps. We are not talking about brain surgery here. We are talking about basic fundamental commonsense moves that will benefit everyone, commonsense moves for the common good. And I think moving the country in a new direction is what we need to do.

Ms. WASSERMAN SCHULTZ. And when people ask what the Democratic agenda is, that is it right there. That is what we would do.

Mr. RYAN of Ohio. That is it. We don't have some elaborate playbook that is going to run left and fake this way and run this way. Three or four different basic things, and you will see the difference between having Democrats running the government and Republicans.

Ms. WASSERMAN SCHULTZ. And Republicans can't get away with saying all the things that we would do would cost money and build the deficit, because we would reinstate the pay-as-you-go rule, the PAYGO rules, to ensure that we don't spend more money than we take in, which is how when President Clinton was in office we had a surplus and not a deficit.

Mr. MEEK of Florida. I would like to yield to Mr. DELAHUNT.

Mr. DELAHUNT. I thank my friend and chairman of the 30-something Group for yielding. I apologize for being a bit tardy, but I had business back in the office.

Mr. RYAN of Ohio. Something more important than us.

Mr. DELAHUNT. No, that is not the case.

But I heard you talk about Medicare, and it provoked a special interest.

Ms. WASSERMAN SCHULTZ. A personal reaction?

Mr. DELAHUNT. A personal special interest, because I don't know if you are aware of this, I am somewhat embarrassed to acknowledge this in a venue such as this, but a week from today I will be on Medicare.

Mr. RYAN of Ohio. Wow. When is your birthday?

Mr. DELAHUNT. July 18 is my birthday, and I hit that magic figure that entitles me to be eligible for Medicare. And if there is a single program that has made a difference in the lives of senior citizens, I was going to say elderly, but I think I will change that now, of senior citizens in this country, it is the Medicare program. There has been study after study which concludes that there is a connection between longevity and the advent back in 1965 of Medicare and health that now the older segment of the population enjoys. It is absolutely an essential, critical program.

□ 1845

Part of that, as Congresswoman WASSERMAN SCHULTZ was saying, is the fact that today, rather than referring people to hospitals, the percentage of treatment that is given to senior citizens is through prescribed pharmaceuticals. It has made clearly a world of difference.

And when we had this debate back in December of 2004, about the so-called prescription drug benefit, Democrats argued that to prohibit the Federal Government from negotiating with the large drug manufacturers for discounts, substantial discounts, as you just indicated, as they do now with the VA, was nothing but a windfall profit for large drug companies. I don't know what the estimate is now, but you said millions. Let me respectfully disagree with you and say tens of billions, maybe in excess of 100 billion, but it is clearly a substantial amount of money.

Just stop and think for 1 minute. That money would eliminate the doughnut hole. And by the doughnut hole, we mean once the cost of a particular prescription exceeds an amount, I think it is $2,600, for the next $3,000-plus a senior citizen has to pay for that prescription out of his or her own pocket.

We are already receiving calls, I do not know if your district offices have had this experience, but the volume of calls from seniors saying, you know, I didn't realize how quickly I would reach that so-called doughnut hole, and I can't afford the next $3,000 to meet my medical needs. And I need those drugs that take care of my cardiac problem, for example, and I can't afford it, Mr. Congressman. What am I going to do?

I know you are saying that we can address that, and we can address that without adding to the deficit, but I think that is a commitment that ought to be made to people who are on Medicare so that they can enjoy a longer and more healthy life as they age, because they deserve it.

Mr. MEEK of Florida. Well, Mr. DELAHUNT, I think it is important to take it away from the political debate here on this floor, between what we believe that the American people want and need versus what the special interests must have. The only way that people are going to win on this floor is if we give them voice.

Last night, we got into a passionate discussion about the minimum wage and why it was important. And we, I think, all agree that we give those individuals voice that are punching in and out every day and catching the early bus. We give voice to that mother that is trying to figure out how she is going to get the kids to school and make it to work making minimum wage, working more than half a day to even cover the gas costs, let alone having to buy groceries and do all those other things; and that father that catches the early bus and is trying to make it happen.

So I think that as these fuel prices continue to go up, as it relates to Medicare, there is this quiet inching up the storm of new requirements and new loopholes for seniors to jump through in the hopes they will not follow through or go through all those hoops, so that they do not get what they deserve.

Mr. DELAHUNT. I don't know if any of you saw it, I think it was yesterday in our major newspapers, I noticed that there was a story relative to a report that indicated that much of the information that seniors received relative to the prescription drug program was erroneous and inaccurate. And we all know about the confusion at the beginning of the program.

Ms. WASSERMAN SCHULTZ. Remember the error that was made by the Department of Health and Human Services in the Medicare and You handbook they sent out to all the Medicare beneficiaries? And when they recognized the error in information about the prescription drug program and advising people who were dual-eligible what kind and how comprehensive their benefits were going to be and how much they were going to have to pay for them, they refused to send out a correction. The only way they were going to make the real answers available was via the Internet or if people called and asked.

Now, how is that a commitment to clarity, to making sure people can truly access the benefits that they are entitled to and that they do not pay more than they are supposed to?

Mr. DELAHUNT. And what is happening now, as I said, senior citizens were unaware of the fact that that limit would be reached so quickly, which would put them into the doughnut hole, or I call it the ''abyss.''

Mr. RYAN of Ohio. The belly of a whale.

Mr. DELAHUNT. Right. Because that has happened so quickly that they believed initially that it was only the moneys that they had to pay out under the so-called copayment system. But, no, it was the total amount of the cost of the drug between what they had to pay out of their pocket and what the government was paying.

So all of a sudden, people who are spending $600, $700, $800 a month on a drug regimen for, let us use the example of those who have a cardiac problem, will find themselves, in 3 or 4 months, having already reached that cap and now they are on their own. And that is happening now.

Meanwhile, we cannot negotiate with drug manufacturers because the Republican majority was protecting the pharmaceutical industry.

Mr. MEEK of Florida. Mr. DELAHUNT, the American people want to be leveled with, that is the bottom line. Mr. RYAN said it earlier. They just want us to shoot straight. They want someone to be truthful with them. In some parts of America they say, it is what it is; and if it is about the numbers of what the private sector and what the special interests can make off of every deal.

Yes, we all want a prescription drug plan, but at the same time we want to be able to make sure we get the biggest bang for the buck. And not for the special interests, but for the people that need the drugs and the meds. Yes, we want to help oil companies be able to be innovative and to find alternative fuels, but not on the backs of Americans paying $3.25 a gallon. And, yes, we do want people to have the opportunity to have quality health care, but not being gouged as it relates to health insurance, watching out for the health insurance companies first.

The Republican majority has done that, and then confusing people to the point where they are misled, and so some of them just throw their hands up and walk the other way.

Ms. WASSERMAN SCHULTZ, you talked about the changes and the problems and the mistakes within the literature that was given out. I was about to say, this is the big leagues. This is the big leagues. We are the Federal Government. The lights are on in this Chamber not because we are great people, but because the people of America pay taxes so that they will have a government that will stand up for them.

I have never seen a campaign sign saying I am running for Congress to protect the special interests, vote for me. No one said to me, Congressman, I want you to make sure ExxonMobil and companies like that get what they need to make sure their shareholders are making the kind of money they need to make. They sent me here to make sure they can get from point A to point B and so that we would watch out for their dollars when we got here.

I am telling you, I am very, very concerned, Mr. DELAHUNT, and beyond partisanship, of what is happening to the majority as it relates to the ongoing blocking on behalf of the special interests. You can see the tracking as it relates to fund-raising, the K Street Project, a number of other issues we know so much about: the scandals here in town as relates to special interests getting what they want; Members being pushed up to the back of the wall there in the corner, with leadership saying, you will vote for this or you will vote against that; and the voting board being held open for not only several minutes but hours in some cases to make sure the special interests get their way.

Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, and Mr. RYAN, it would be wonderful to see the board held open so that the American people can get a minimum wage increase that they haven't gotten since 1997.

Mr. GEORGE MILLER stood right here and told the Speaker, it is a shame that we are leaving here on the 4th of July break and we haven't addressed the issue of millions of Americans still making $5 and some change since 1997; meanwhile the cost of milk, bread, health insurance and everything else has gone up.

Ms. WASSERMAN SCHULTZ. Really, what it boils down to is exactly what you are saying, it is that they are completely out of touch.

And I just want to pull up this illustration. We have our third-party validators here that really help us demonstrate what we are talking about on the floor each night, Mr. Speaker. It is not information we are making up. It is not the Debbie Wasserman Schultz encyclopedia or the Tim Ryan dictionary. These are facts we are laying out in front of the American people so that they can decide whether they want to continue down the path the Republican leadership has taken them on or whether they want to go in a new direction.

It is clear that the Republicans have made these decisions because they are out of touch. I mean, let us just look at the real economic changes under this administration, under President Bush and the Republican leadership, as opposed to the bogus one that they rolled out today with their economic midyear review.

You can make numbers, as they have done, look as rosy as you would like, but this is the real deal. Let us be clear, the Majority Leader, Mr. BOEHNER, specifically said on June 20: ''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 a vast majority of our conference is opposed to it.'' And he said that on June 20 of 2006.

So let us take a walk down memory lane here. If you actually are in touch with what everyday Americans are dealing with, then you will know that, of course, since 1997, there has been no minimum wage increase. But if you look at the price of milk, the price of milk has gone up 24 percent. And if you actually shop in the supermarket, like I do, then you will know that the price of milk has steadily increased when you are trying to buy a gallon of it.

How about the price of bread? That has gone up 25 percent. We are talking about staples that people actually pay for with their minimum wage increase, if they get one. Or don't get one.

Let us take a look at the cost of a 4-year public college education. The cost of that has gone up 77 percent since 1997.

Look at the cost of health insurance. That has gone up 97 percent. But no minimum wage increase in 9 years.

How about the price of regular gas? That has gone up, as every working family knows, 136 percent. And while I am at it, I might as well pull out my little toy prop here, because I think it is illustrative.

I think part of the problem is, it is clear by that chart that most Republicans obviously aren't dealing with these issues every day. They are not buying their own bread. They couldn't be; otherwise they would know that it has increased as much as it has. They are not buying their own gallons of milk. Maybe they have their household staff buy these things for them, or maybe they do it on the Internet. Or I am not sure what is going on.

But when it comes to the price of a gallon of gas, this is an old-fashioned gas tank, or gas pump. I have just concluded that it is obvious that the Republicans have not done anything about gas prices, Mr. RYAN, because most of them clearly have not used their own gas pump to fill their own gas tanks since they looked like this. Because otherwise they would be more committed to, instead of doing the bidding of the oil industry by passing legislation that puts money, more and more millions and billions in their pockets, they would make sure we invested, truly invested in expanding our

alternative energy resources, so that we could reduce the cost of a gallon of gas, and so that we could make sure that the Congress would focus on the issues that people in America really care about.

□ 1900

But it is clear to me that they haven't used one of these for a really long time, and that is the reason they are so out of touch.

Mr. RYAN of Ohio. It is the same old song, we don't need a minimum wage increase. Things are going just fine. The President said the economy is doing great and it is benefiting all Americans. Well, he hasn't been to my district, and I am sure he has not been to a lot of districts around the country where people are struggling.

I found it interesting, over the 4th of July break where we do a lot of parades, and doing a parade is like taking a poll in your district as to how people feel. They will shout at you exactly what they are thinking. As you are going down and shaking hands and meeting people, you hear about the gas prices and the lack of vision; you hear about the trailers sitting in Hope, Arkansas. And you hear about the $9 billion being lost in Iraq. This is what average Americans are talking about.

And then the kicker is when the Republican Congress pushes a pay raise for themselves, but not a pay raise for the American people. Give me a break. They raise the salary for Members of Congress, but at the same time not at least tie it to minimum wage and say the American people need to be a part of this, too? Come on. What is going on?

No matter what issue you are talking about, and this is the thread that ties all of this together, the Republican majority is incapable of executing government as stated by our friend, Newt Gingrich.

Mr. Speaker, he said, ''They are seen by the country as being in charge of a government that can't function.'' He, the former Speaker of the House, the father of the Republican revolution, is now calling the leadership and the Republican Members of Congress ''they'' and also saying that they are in charge of a government that can't function.

Whether you are talking about negotiating down the drug prices or the $9 billion in Iraq, or FEMA, or any other issue, I think time and time again they are seen as being incapable of being able to execute government.

Mr. DELAHUNT. They don't believe in government. That is the truth. Their version of government is simply the smaller the better.

Ms. WASSERMAN SCHULTZ. Unless, of course, it involves their personal life.

Mr. DELAHUNT. Exactly. Unless it involves involving the United States in a quagmire.

Mr. MEEK of Florida. Mr. DELAHUNT, I don't want you to get too far away from ''they believe in smaller government.'' They believe in big government. The government has grown larger than any other time in recent history. Out-of-control discretionary spending, pork barrel spending. An article I read last night, they said that the President has dethroned President Johnson as it relates to spending. What they say and what they do, that is the reason we are here on this floor. We are saying ''they'' because that is what Newt Gingrich called them, ''they.''

Mr. DELAHUNT. I was going to make that point and you did it for me.

But let me say what we now see is big government, big government promulgating and pursuing an agenda that is not a conservative agenda. I think we should make that distinction. It is a neoconservative direction because traditionally Republicans have been committed to responsible government, pay as you go, live within your means.

And government is important, but there are areas where government does not have a role. And yet here we are today with this President and this Republican majority presiding over the largest expansion of government in American history. And the expansion of government only benefits a small segment of the American population.

That is what I would suggest is causing the anxiety and the negative reaction that we hear when we march in those parades.

What about this Medicare drug program? It sounds good, but it is not helping me. Who is it helping?

And how do you respond to a question: Why can't you negotiate with the large drug companies and secure discounts like you do through the Veterans Administration? Why can't you secure discounts of 40, 50, 60, 70 percent? Why can't you do that? Why can't Congress insist?

And the answer is because the Republican leadership will not allow it. It simply won't allow it.

And, Congressman, we read about the oil companies, the energy companies, Big Oil, if you will. We understand that in 2002 their combined net profit was $35 billion; that's a lot of money. Now we see new figures that it exceeds $113 billion. It has tripled in about 3 years. Congressman, can you explain to me why you and your colleagues approve of giving taxpayer money to Big Oil in the amount of $14 billion? Can somebody help me answer that question?

Ms. WASSERMAN SCHULTZ. Because they care more about the special interests than they do about the people they represent. It is as simple as that. It is the only logical explanation.

Mr. MEEK of Florida. Last night, and Mr. Speaker, I hate to keep referring back to last night for the folks who did not see us here on this floor, the Members who did not see us here on this floor last night, we talked about the chart Ms. WASSERMAN SCHULTZ broke out with minimum wage at zero, and we talked about the White House meeting in the complex, and I am not going to read The Washington Post article again, but it happened in 2001, Mr. DELAHUNT. And these are the profits that oil companies earned, record profits. In 2002 it paid off immediately at $34 billion in new profits to oil companies. And in 2003, it went to $53 billion in new profits.

This is not something just coincidental. There was a strategy. They wrote the energy bill. They came up with the plan and they had access in the White House and here in this House of Representatives under the K Street Project and got what they wanted. In 2004, $84 billion. In 2005, $113 billion.

Now these oil companies, as far as I am concerned, they are just doing what they have access to do. I am more concerned with those of us with voting cards, Members of Congress, those of us who have an A pass over at the White House in the East Wing, that allow oil companies to go in, say what they want and get it on the backs of the American people.

Those profits don't just come out of the sky. They come out of the pocketbook and wallets of everyday Americans. While they are reaching into that credit card and while they are reaching in for that cash, they are passing their voter registration card. It can have REP on it, it can have DEM on it, it can have IND on it. Whatever the case may be, the bottom line is it is the same amount of money coming out of those wallets, not because of their doing, the American people's doing, but because of the special interest influence over the Republican majority. So that is what I am mainly concerned about here.

The last chart I want to share, oil companies, they are telling our friends they are trying to head towards energy independence. They will come to the Hill and say this is what we are doing with the money you've given us, the taxpayers' dollars.

I will tell you what they are doing. I happen to be one of these ''Today Show'' watchers, and the CEO of ExxonMobil was on there, a really nice guy with a deep voice and everything: ''I thought I would come in.'' This was before Katie Couric left. ''I thought I would come in and give our side of the story. We are for energy innovation. We are for getting oil and gas prices down.''

This is what they are doing. This is E–85, what we call ethanol. This is supposed to be the alternative to help us with our energy independence. This is regular, special, and super plus. This is their deal. This is the old-school way of doing things. This is the expensive way of doing things. I am going to show you how this discourages you from getting ethanol.

You can use a Mobil credit card to buy the three levels there where we invest in the Middle East versus the Midwest. This is the Midwest investment using corn and other resources to make it happen. But it says here ''Cannot use your Mobil credit card,'' period.

Now you can walk in the store and you can buy a bag of chips, you can

even probably buy a carton of cigarettes with your Mobil credit card, but you can't get E–85. The reason you can't get E–85 is because they don't want you to get E–85.

So when the President is running around here talking about Americans being addicted to oil, well, guess what, oil is addicted to the free-fall access that they have here in this House of Representatives and in the White House. They are getting their way. The American people are not getting their way, and it is point-blank.

And I would like to break this thing down to where everyone can understand. I don't need to tell you that I am on your side as a Member of Congress on this side of the aisle. I think those who are paying attention know whose side we are on. They know based on the record. It seems like they are more interested in helping the special interests. That is what the record reflects.

The record reflects that the special interests are getting exactly what they want. It is the best time in special interest days. It is not the best time in America; it is the best time for all of the big guys that wear nice ties and ride around in big cars, being driven around here in Washington, D.C. It is the heyday for them. It hasn't been better for special interests.

There are record-breaking profits for the oil companies. It hasn't been better in the history of drilling into the ground for oil. And guess what, it is on the backs of the American people. I mean, they are riding the backs of the American people, riding them down into the ground until their faces hit the ground and they scratch their forehead, on the backs of the American people, a la the Republican majority, the rubber-stamp Congress and the White House.

When you say that, Ms. WASSERMAN SCHULTZ, we just have to break it down.

Ms. WASSERMAN SCHULTZ. Let's break it down further, Mr. MEEK. If that was not enough evidence, let's take a look at a Congressional Research Service report, which is an objective body which provides information to the Congress, both parties, totally objective entity, provided a memo to Senator WYDEN last week, and that memo outlined the profits and revenue return for the oil companies from 1999 to now. And it demonstrated that the annual revenue return for eight oil companies increased from 2.88 percent in 1999 to 7.1 percent in 2005 while the return on shareholder equity went from 4.64 percent to almost 30 percent. Cash reserves for those same companies shot up from $9.5 million in 1999 to $57.8 million last year, and the capital investment that they made went from $32.8 million to $68.8 million in the same period.

The bottom line is that when they say they are investing their revenue that they are generating into alternative oil exploration, it is baloney. It is absolutely not true. What they are doing is they are keeping their profits. They are holding onto their profits, and we are giving them the money by forgiving them royalty payments for the land that we are letting them drill for oil on.

So who is for the American people and who is just kidding?

Mr. MEEK of Florida. We had a debate right before the July 4 break.

□ 1915

When I was a State trooper in Florida, we used to have these little different details around the State of Florida. I was in Sebring, Florida, which is Highlands County, and I was talking to this farmer, and he said that ''Pigs get fat and hogs get slaughtered.''

And I am going to tell you right now, the oil companies and the access that they have to Members of Congress on the majority side to give them what they want, they are getting it all right now.

Let's look at the oil leases. They want to drill off the coast of Florida. Less than 1 percent, super less than 1 percent of 4,000 leases that they already hold, that they are actually going and drilling in those areas, but they wanted even more.

They wanted more, Mr. DELAHUNT. They wanted more because you know something? They can get it. It is like a kid sitting down at the table and they are eating ice cream and they have a tummy ache and they have ice cream all around their face, and they say, give me another gallon. And you give it to them.

And that is exactly what this Republican majority, this rubber-stamp Congress has done, everything they have asked for, because they have access through the K Street Project and other programs that allow them to see through the doors of this Chamber and have Members vote ''yes'' for what they want and ''no'' for what they don't want. And what they don't want is for the American people to be on a level keel to be able to push back on this feeding frenzy of not only their tax dollars and special interest giveaways, but to kill them at the pump.

I mean, I see people hesitate when they get out of their cars because they are, like, I don't know if I have room on my credit card. I don't know how much is it going to cost me today. The gas stations can't even change the charts out front fast enough because gas prices are going up.

Ms. WASSERMAN SCHULTZ. Do you know what my husband and I noticed the other day when we were filling up our tank? That the dimes, you know how when we were little kids and the pennies are what scrolled really fast when you were filling up your gas tank. Now it is the dimes that scroll as fast as the pennies used to. I mean, that is how much things have changed. So dimes, you know, 10 dimes, that is a dollar. Bye-bye, every 10 dimes, another dollar gone.

And we have got to start moving energy policy, health care policy, the deficit in a new direction, which is what we would do with our innovation agenda. We would make sure that we commit to reaching energy independence through our midwestern, as opposed to the middle eastern dependence, through our ability to generate ethanol and invest in the research that would help us truly utilize ethanol as an energy resource.

Mr. DELAHUNT. If I could ask our chairman from Florida, just to raise once more that chart.

Mr. MEEK of Florida. This one?

Mr. DELAHUNT. Right. You know what I find interesting is, you pointed it out. It is the first time I have heard it, that you can't use that particular credit card, a Mobil credit card, did you say?

Mr. MEEK of Florida. Yes. It says you cannot use your Mobil credit card, and then it has another sticker that says, not a Mobil product. But at the same time, neither are the potato chips, neither are the cigarettes, neither is a six-pack of beer.

Mr. DELAHUNT. Right. But it is at a Mobil station?

Mr. MEEK of Florida. That's correct, yes, sir.

Mr. DELAHUNT. Okay. But it is not a Mobil product. And you interpret it, as I did, as a way to discourage people from using a fuel source that, over time, could wean us from that mideastern oil and allow us to rely, again, once more on that farmer, that American farmer from the Midwest?

Mr. MEEK of Florida. Yes, sir.

Mr. DELAHUNT. Okay. That is what we are talking about. That is really what we are talking about.

But you know what I find interesting? You raised it here in our conversation this evening. But has anybody, any chairman, if you are aware of any committee, standing committee of this House with this majority, requested or invited or insisted that the chairman of ExxonMobil come before it to explain to us and to the American people why does that product have that sticker about it when it is at a Mobil station? Just a simple question to educate us.

And it is clear that if it is a question that is not being asked by the majority, then nothing will change. And I would suggest it is the responsibility of this Congress and its committees to ask those questions because the American people deserve answers. And we are abrogating, we are not meeting our responsibility of oversight when those questions are not posed; and they are not being asked in this House of Representatives at this moment in our history, and it is a disgrace.

Mr. RYAN of Ohio. Look, the retirement package, Lee Raymond, CEO of Exxon, $398 million retirement package. He gets a $2 million tax break. So it is bad enough you are already subsidizing his business to the tune of $14 or $15 billion.

And this is the kind of disparity, we have the highest disparity between the wealthiest people in the country and the poorest people in the country since the 1920s, that is going like this. And the whole idea is to try to lift all the boats up into the middle class.

And we were talking earlier about the economy. This is, again, third-party validator, as we begin to wrap up. The long term, because we get a lot of happy talk, but the long-term outlook is such a deep well of sorrow that I can't get much happiness out of this year. That's a former director of the Congressional Budget Office that used to work for President Bush. It is such a deep well of sorrow.

This country is going in the wrong direction, whether you are talking about oil or Medicare or the war or Katrina or whatever, and my friend has got his toy there. This country is going in the wrong direction and we want to go in another direction.

If you like the neoconservative agenda that has been implemented, look around, gas, oil, retirements, pensions, minimum wage, Social Security, college tuition, keep the Republicans in office.

Mr. MEEK of Florida. Mr. RYAN, just very quickly, the bottom line is, Mr. DELAHUNT, to your point, sir, the reason why the chairman hasn't called ExxonMobil in, the reason why everything that we have described here today is that we are on the total opposite side of their position.

We are not willing to rubber stamp everything that the President and the administration says must happen in this Congress. We are not willing to rubber stamp the special interests just because they are contributors to a particular campaign or something.

We are willing to stand up for the American people. And the reason why we have this rubber stamp down here on the floor, just to illustrate exactly what the Republican Congress has done, and that is the reason why we are in the situation we are in now.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I just think, at the end of the day, we need to stress that in November, when we have the opportunity to take the majority of this institution, we will move the country in a new direction.

We will make sure that we make a commitment to reducing the deficit and reduce it. We will expand access to health care. We will actually invest in alternative energy resources so that we can truly reduce gas prices. And we will make sure that the American people know that their Representatives are here for them and not for the special interests.

Mr. RYAN.

Mr. RYAN of Ohio. And even in the first couple of days, we will raise the minimum wage and cut college loan interest rates in half for parents and students. Just in the first couple of days, once we get this signed into law, we will recognize a huge difference. Www.housedemocrats.gov/30something. All of the charts that we have here can be accessed on the Web site. Www.housedemocrats.gov/30something.

It has been a real pleasure.

Mr. MEEK of Florida. Mr. RYAN, you did such an excellent job with the Web site.

I want to thank Mr. DELAHUNT for coming down and joining us this evening. We know that he could not join us yesterday evening.

Ms. WASSERMAN SCHULTZ, always a pleasure working with you here on the floor and off the floor.

What is good for the American people; and with that, Mr. Speaker, we thank the Democratic leadership.

EMBRYONIC STEM CELL RESEARCH

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

Mr. BARTLETT of Maryland. Mr. Speaker, we have appeared here on the floor several times to talk about a subject which is very important to a number of Americans, particularly those with some debilitating diseases that they believe might be cured with technology developed from embryonic stem cells.

I have had the privilege of having several Members of the House to work with me in developing the legislation that we are going to talk about tonight. And one of those Members is Congressman TOM OSBORNE from Nebraska, who is here with us this evening. And I would like to yield to him.

Mr. OSBORNE. Thank you very much, Mr. BARTLETT. I really appreciate your leadership on this issue. And you are obviously the expert.

Mr. BARTLETT is a geneticist and understands the topic very well. I would just like to set the stage for some of the debate tonight.

Many of us have been impacted directly or indirectly by diseases like juvenile diabetes, Alzheimer's, Lou Gehrig's disease, Parkinson's and so on. And so I think everyone understands the desire for people to find a cure. And for many people, the silver bullet is embryonic stem cell research. And they feel this holds great promise. It has been going on now for about 7 years. We have not seen great progress, but it is still early in the process. So, as a result, there are many people who are pushing very hard for embryonic stem cell research.

On the other hand, many oppose embryonic stem cell research because they see the embryo as a living, viable human being; and therein lies the moral dilemma. On the one hand, people see the possibilities and on the other hand they see the destruction of life. And so is there a possible solution? Where do we come out on this?

If you believe that life begins at conception and if you believe in the sanctity of life, the destruction of embryos for research purposes would be largely unacceptable. And so, Mr. BARTLETT's legislation holds great interest to me, because we have found that there is a possible alternative.

The President has said that he will veto H.R. 810, which is a stem cell research bill. And if it is passed by the Senate, and people predict that it will be passed, then it will probably be vetoed by the President. And at that point, it appears as though the House will sustain that veto and probably the Senate as well. So we are right back to square one.

So is there an alternative? And that is why I am here tonight.

As many people may be aware by now, there is still the potential for a morally acceptable stem cell research to be conducted with Federal funds through the Bartlett bill. And evidently there is a process at the present time whereby embryonic stem cells can be extracted, and it is still in its elemental stages, without destroying the embryo. So I have great interest in this because it does provide an answer to the dilemma that I have just outlined.

And so, without a lot of further commentary from me, being somewhat of an amateur in the area, I would defer to Mr. BARTLETT, because he truly understands this research, which I think can be the answer that so many of us are looking for.

I personally am a very strong prolife individual, have voted consistently in that direction. And so I welcome this opportunity to look at a prolife solution to embryonic stem cell research.

I appreciate the gentleman's work on this bill, appreciate his knowledge, his expertise, which is certainly unparalleled in the Congress.

And with that, I just wanted to make those opening preparatory remarks and lend my support to this bill and this work that you are doing, and thank you for doing it.

□ 1930

This is all probably going to come to a head here in the next week or so; so this is a critical time. And what I think and others are trying to do is to create awareness and to make sure that people in the Congress understand the nature of the research that he is proposing.

So I commend you for your work. I want to wish you the very best, and hopefully in the next week or 10 days, we will see some positive results. So thank you for your leadership.

Mr. BARTLETT of Maryland. Mr. Speaker, reclaiming my time, I thank the gentleman for his support, for his leadership on this, and for his kind words.

I was fortunate in another life, before I came to the Congress, to have the privilege of working in this general area. I have a doctorate in human physiology, and I had the privilege of

teaching medical school for 5 years and doing biomedical research. And when I came to the Congress and learned of the interest in stem cells, with my background I saw some opportunities for applications here that may not have been apparent to others, and I have been pursuing this now for some 5 years with the White House and with the National Institutes of Health.

We are here tonight, Mr. Speaker, because it is our understanding that within a few days, probably next week and maybe early next week, the Senate is going to be voting on three bills, two of them relevant to this, the third somewhat tangential to it.

One of the bills they will be voting on is the bill that we passed here in the Congress here in the House some time ago. It is known as the Castle bill here generally, Castle-DeGette bill. This is the bill that the President says that if it gets to his desk, as Congressman OSBORNE indicated, he will veto it because this is a bill that would use surplus embryos from the fertility clinics, and they would be destroyed in the process of securing cells from them to produce these stem cell lines, although there is the anticipation, the hope, that a great deal of medical good might come from embryonic stem cell applications.

There is a concern of many in our society, which I share, that it is not morally acceptable to destroy one life in the hopes that you will help another life. So I had hoped that there would be an alternative to this, that we could look forward to enjoying the potential benefits of embryonic stem cell applications without having to kill embryos.

And that is what we are here to talk about this evening, because the second bill that the Senate will be voting on next week is a bill that is essentially identical to the one that we have been working on and developing now for these 5 years. The bill that we will vote on in the House, we hope, shortly after it is voted on in the Senate, will be a companion bill to the Senate bill and essentially the bill that we have been working on for these 5 years.

I would first like to take a look at a chart here which shows, in very gross form, the developmental sequence and the origin of what we call stem cells so that we can get a little appreciation of what a stem cell is so that we can understand the difference between adult stem cells and embryonic stem cells and the potential that these hold.

Here we have a very abbreviated development process. It begins with what is called the zygote. The zygote is produced by the union of two sex cells, which technically are called gametes. And the zygote then goes to a number of cell divisions. And, boy, did they skip a lot here because we have just one cell and here we have several hundred cells; so it is divided again and again before you get to this point. And this is the point of the inner cell mass. And in that inner cell mass which will become the embryo, we have the first differentiation of these very primordial cells here into three distinct cell types: one is the ectoderm and another is the mesoderm and the third one is the endoderm.

There is a fourth cell type there, limited in number and location, and these are the germ cells. These will be the ova, produced in the female, and the sperm, produced in the male. What we have here depicted is the embryo implanted in the wall of the uterus. This is the uterus and this is the embryo and the so-called dissidua, the tissues that surround and support the embryo. Only this part of it here will become the baby. The rest of this will be the supporting tissues, the amnion and the corion, that support the baby.

In each of these germ layers, and we call these germ layers because they are three layers, three types of cells from which all of the tissues and organs of the body will develop, the ectoderm will produce our skin and our nervous system, and the mesoderm will produce the great bulk of our bodies. It will produce all of the muscle cells, our heart, the blood system, the smooth muscle cells of our gut and so forth. All of these will be produced from the so-called mesoderm. The endoderm, much limited in quantity in the body but not in importance, our lungs, much of our lungs, the lining of our intestines, and so forth are produced from the endoderm.

Every student in even a pretty elementary biology class will be familiar with one type of stem cell, and these are the stem cells that produce our blood cells because you can see those very readily in the adult. They are located in bone marrow, in the shafts of our ribs and so forth, and they produce our red blood cells, the little thrombocytes that produce the clotting of blood, and the polymorphonuclear leukocytes. These are the leukocytes with a funny shaped nucleus. And they are called stem cells because from a single cell type, this will differentiate into several types of blood cells, most of the blood cells. There are a couple of white blood cells that are produced in lymphatic tissue, but most of the blood cells are produced from these single stem cells.

Most of the other tissues here are also produced from stem cells because it is a single cell, the ectodermal cell, the differentiations of these several types of cells.

All of these types of cells are adult stem cells, and they have the limitation of already having differentiated. They already are differentiated so that under ordinary circumstances only certain tissues will ever be produced from them. If you can go into the body and take out an ectodermal stem cell, unless you are clever and make that cell believe that it is something that it is not, it will produce only tissues that relate to the ectoderm, cells of our nervous system and cells of our integument, or our skin.

Similarly for the mesodermal cells, if you can get a stem cell even before it is a stem cell for blood, back here you can get a stem cell from which all of these mesodermal tissues will develop, but you could never get ectodermal tissue from that nor could you get entodermal tissue from that; so you are somewhat limited as to the types of tissues that you might develop from an adult stem cell.

But if you could go back to the embryonic stem cell, and you may have to go back even before this stage of development, when the embryonic stem cells are undifferentiated, which means they haven't started to become a specific type of cell, you then could theoretically produce from those cells any and all of the tissues of the body. So there are a number of different diseases where the medical profession treating them and the loved ones of the families believe that there could be dramatic applications made from embryonic stem cells.

Every year I look forward to the juvenile diabetic people coming through my office. These are such heroic little kids that I see. Some of them so brittle that they have an insulin pump and they have to puncture their fingers or their earlobe a dozen times a day or more to keep track of their insulin because they are so fragile, so brittle, they can go from very low glucose to very high glucose with life-threatening changes.

Then the people come through the office who have friends and relatives who have Parkinson's disease, who have Alzheimer's disease, and any of the autoimmune diseases where the body's defenses have been confused so that the body is attacking its own tissues. And it is believed that in all of these different kinds of diseases that embryonic stem cell applications might produce dramatic effects.

I just returned from a family reunion. And my cousin's husband, who was a pathologist here in the Washington area, Washington Adventist Hospital in Shady Grove, for years, retired and went to Florida and very shortly came down with Parkinson's disease. I recognized him from his smile. Other than that, it would have been hard to recognize him because of the wasting of his body that has occurred with Parkinson's disease. And the mind, of course, is still very alert. It is just the mechanical part of the body that is deteriorating.

And Dr. Teske, Johnny Teske, we were talking about stem cells, embryonic stem cells, and he says, ''Time is of the essence.'' And I kind of choked up a little when he said that because here is a person who really understands this. He is a pathologist. He knows what he has got, and he knows what his future is going to be, and what he was telling me is that if I am going to benefit from this, you have got to do it quickly.

So I hope, Mr. Speaker, that we are able to move quickly on this in the

House. It is our understanding that the Senate will be moving quickly on it. I mentioned that several of our colleagues here have been working with us and helping on it. And one that I am very pleased has been helping us is someone who is really familiar with this subject because he is a physician who has delivered a lot of babies. He gets involved down the line from here after all of these tissues have been developed and we have that little baby at 9 months in the womb. And this is Dr. GINGREY from Georgia.

I am very pleased that he has joined us and would like to yield to him.

Mr. GINGREY. Mr. Speaker, I deeply appreciate the gentleman from Maryland for yielding. And I just want to say, as my good friend and our colleague Coach OSBORNE said at the outset, ROSCOE BARTLETT deserves a lot of credit for this bill, H.R. 5526. And it has not been easy. You heard him say, Mr. Speaker, that he has been working on this issue for over 5 years, has met with the Bioethics Commission, the President's Bioethics Commission, to discuss this issue, discuss this issue with the White House, understanding, as he said just a few moments ago, that while we want to search for that miraculous medical breakthrough, that cure, that hopefully we can obtain either from adult or umbilical cord blood stem cells or the even greater potential for utilizing embryonic stem cells to save human life, to save the people that he was just talking about, Mr. Speaker.

And, indeed, I am sure you know this as well as the other Members that these folks do come by and talk to us on an annual basis, whether they are juvenile diabetics or Parkinson's, as he described, Alzheimer's. I think often of children born with something called spina bifida, where there is an open defect in the spine. One of these germ cell layers that ROSCOE was just talking about, the ectoderm, something goes awry in the developmental process, in the fetal stage of development, and these children are born perfectly normal in every way except for this defect, which in almost every instance leaves them with a permanent, noncurable paralysis usually from the waist down.

□ 1945

That not only affects their lower extremities, but of course, it affects the function of bowel and bladder in these otherwise perfect, perfect children, and yet their lifespan is drastically shortened because of the complication of this birth defect.

I have lain awake more than one night thinking about what might be done, whether it is a surgical technique or a medication. Obviously, it would be great if these birth defects never occurred, if we knew exactly what caused that birth defect, but we do not. We just do not, and so to be able to develop something, some way of helping these children and people with other diseases that the gentleman from Maryland has just described is a passion of mine as a physician.

To come to this Congress, as I did 3½ years ago in the 108th, and to meet other Members of this body on both sides of the aisle, but in particular Representative BARTLETT, and understand that he has a knowledge of this subject far beyond probably any physician Member, ROSCOE BARTLETT of course is a doctor. He is a Ph.D. He has taught embryology in medical school. Physiology, he is a physiologist, and the subject matter of which he is describing and talking about this evening, he has done so over the last several years, and it is amazing how he can put that, Mr. Speaker, in a simplistic terminology, with charts but with a very lucid explanation so that we, other Members on both sides of the aisle in both chambers, can understand and the general public who hopefully are watching can understand because the sound byte becomes reality.

This issue revolves around the use of embryonic stem cells, embryonic stem cells to hopefully result in these medical cures, these miracles that we hope will be there in our lifetime.

Mr. Speaker, we have a President that feels very strongly about that, that has great passion and compassion. But what he has said, and I heard him loud and clear shortly before I became a Member of this august body, when he made a decision not to destroy human life for the sake of hopefully some miraculous medical cure.

You could almost compare it to what our military commanders do and the decisions that they make. I know that the Speaker tonight particularly understands that with his military service and that of his sons serving in the military, but you try as hard as you can to avoid collateral damage in the military. The last thing you want to do in going after the enemy and taking him out is to inadvertently destroy or injure the life of a civilian.

Well, this is getting right down to the core of this matter of what Representative BARTLETT is so concerned about. We want to be able to improve human life and relieve the suffering of our fellow brothers and sisters, but at the same time, we do not want to destroy a life in the process.

That destruction of life, whether it is a little embryo from one of these infertility clinics or, indeed, whether at some point somebody extends that destruction of human life to a senior citizen at the other extreme who may have lost most of their, not all of their, but most of their mental capacity, I would hope, Mr. Speaker, that if we knew that we could obtain a cell from the brain of a senior citizen who is suffering from senility and use that as a stem cell to cure somebody else's disease but in the process kill that individual, no one would accept that, I would hope, I would think, I would pray, and I think not.

So this is really what this is all about. ROSCOE BARTLETT knows and has finally convinced his colleagues, I think certainly in this body, but also in the other body, that there is a better way, that there is indeed a better way and that we can obtain these pluripotential stem cells, not totipotential because I know some would say if it is a totipotential, that it is an embryo in and of itself.

But this bill has the precept of saying we can fund research that will allow the harvesting of stem cells without destroying human life, and anybody that suggests that the embryos that are so-called left over from the fertility clinics are throwaway embryos, are going to be flushed down the drain anyway and it is okay to churn them up and centrifuge out some stem cells and destroy that human life, that it does not matter, needs to talk to the parents of the snowflake babies, some of them 3 and 4 years old now, I think close to 100, who have been adopted from those parents that own those embryos, those so-called excess throwaway embryos.

So there is a better way, and we do not need to get into this debate about who is pro-life and who is pro-choice and all of that. If we can do this in the Bartlett way, H.R. 5526 is the way to do it, and it is a companion bill to what Senator SANTORUM has introduced in the Senate. I am just thrilled to learn that Dr. FRIST will allow that bill, as well as the Castle-DeGette bill and the Brownback bill to be brought to the floor of the Senate, it is my understanding next week, voted on. Possibly all three of those bills, Mr. Speaker, will pass, and then the President will have an opportunity, after we pass the companion bill to H.R. 5526, to do the right thing.

Then I think the Members of this body will sustain if the President vetoes the Castle-DeGette bill, which, again, I am not criticizing the authors, but there is no question that it goes back and allows taxpayer dollars, mine, my constituents in the 11th of Georgia, ROSCOE BARTLETT's constituents, with their hard-earned money to pay for research that results in the destruction of human life, and we reject that.

So I am thrilled that the 4 years of hard work that Representative BARTLETT has put into this issue is finally going to come to fruition and we are going to get good results from utilizing these stem cells that are obtained.

I know that he will begin in just a moment, as I conclude, to talk about the different techniques of how that can be done, and I think our colleagues can understand it because he explains it well. It is not rocket science. It is not something that is star wars, but it is real and it is the way to do it.

So I am real happy to be here tonight to once again join my colleague who I have such great affection for, not just him personally but the issue that he has taken on and the hurdles that he has had to go through, and I commend him for that.

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman very much. Not only do these snowflake babies speak to us, the snowflake babies are the babies that were produced by the parents of the excess embryos, giving these embryos to a mother who could not have a baby. They were implanted in her womb, and we now have more than 100 of those. They were here, by the way, a year or so ago. A number of snowflake babies were here in the Congress and in the White House.

But I think there is something else that speaks to us, too, and that is that before you would harvest the cells from one of these embryos by destroying the embryo, you would want to know that it was a healthy embryo, and you would have it under the microscope and you are looking at it. You want to make sure it is a healthy embryo because you want to have stem cell lines that will be really healthy.

When you are looking at that embryo under there, it ought to occur to you that that could be the next Albert Einstein or the next Beethoven, and you are not now looking at 400,000 surplus embryos in the fertility clinics. You are looking at that one embryo under your microscope. That embryo ought to speak to you. It could be the next Albert Einstein. It could be the next Beethoven, and how could you kill the next Albert Einstein or the next Beethoven? Fortunately, as Dr. Gingrey said, there is a way of getting embryonic stem cells without destroying embryos.

The President was not unmindful of the potential for embryonic stem cell research, and he really wanted the medical community to benefit from embryonic stem cell research. So, quite immediately after he issued his executive order saying that they could use Federal money only for research on those stem cell lines that had already been established, those stem cell lines now are running out, as we knew they would, and a few weeks, months ago, there were 21, 22 or so left, maybe fewer than that left now. We started out with maybe 60.

Very shortly after the President issued his executive order, he set up a council on bioethics, and they issued a report. I have here a copy of that report, and they detailed and discussed at quite some length, it is very interesting reading, and I think even the layman could appreciate most of it. They discussed four different potential ways of getting embryonic stem cells as the equivalent of an embryonic stem cell without destroying or hurting an embryo.

The second one of those that they talked about, you will see a little asterisk there, and you go to the bottom of the page, and you will see the notation that Congressman BARTLETT suggested this technique before the bioethics committee met. A little later, I will indicate to you how I came to have my first discussion with the President on this and how we now made that 5-year journey from then to now.

What I have here in this slide is a depiction of the reproductive tract of the female, and what we will be talking about is what goes on in a dish in the laboratory that I think is a whole lot easier to understand what is going on if we look at this process in this depiction of the mother's reproductive tract.

Here in the corner here we see the total reproductive tract which has the vagina and the cervix and the uterus and the two fallopian tubes, and each fallopian tube ending in a funnel-like structure called infundibulum, and there is the ovary and the blow-up here is only one-half of this reproductive tract. So there is a mirror image on the other half of it. This shows what happens in the fertilization and the early development of the embryo.

Once a month ordinarily, an ovum ripens and is released from the ovary, and if sperm had been deposited in the reproductive tract, they then travel up the reproductive tract. The egg is fertilized very quickly, very soon after it is released from the ovary.

Now, sometimes the egg is not picked up by the infundibulum, and it floats out into the body. Many of these sperm will make it clear through the reproductive tract and go out into the body where they will simply be absorbed later, but they may find the ovum out there and fertilize the ovum. Then the ovum will do what it does in the reproductive tract. It will divide again and again, and we will look at that in a moment.

At the appropriate time, it will find someplace to implant, and since it is out here in the body cavity, it will implant on one of the body tissues, and we call this an ectopic pregnancy, and that pregnancy will threaten the life of the mother. The baby cannot develop fully there, and the baby will die and the mother, too, if this is not interrupted.

□ 2000

At other times, as the egg, fertilized egg goes down the reproductive track here, it may implant along the tube here. And we call that a tubal pregnancy. And that tube is nowhere near big enough to accommodate a baby growing. So the baby will die, and the mother possibly too if we do not interrupt that pregnancy.

But most of the time, and nature is really quite a marvel, most of the time the egg is fertilized here high up in the fallopian tube and then it begins a several day journey. And here we have the days marked. Day 4, day 5 and day 6 and 7 and day 8 and 9. It is a bit more than a week after it is released from the ovum and fertilized, and day zero here begins the fertilization. It makes its way down the reproductive track.

No motility of its own, it is moved along by little cilia, little hair-like projections on the wall of the oviduct, which move in wavelike fashion and move the ovum down. As it moves down, it divides. First into two cells, then four cells, and then into 8 cells, and we will come back to that 8-cell stage, because that is an important one.

Then it goes on to divide further to a number of cells, and finally to the inner sell mass that we found on that first slide. And then it implants in the uterus.

And the mother's uterus produces some tissue and the little embryo produces some tissues, we call these the decidua. And they develop the placenta and the amnion. They are filled with fluids and support the baby and protect it during its development.

When eggs are taken from the laboratory, and all of this by the way can happen in the laboratory in a Petri dish, they simply take the egg from the mother, generally produced by hormone treatment that causes multiple ovulations, so that there are a number of eggs. There may be 6, 8, 10 eggs are produced by the mother. They will fertilize those in a dish in the laboratory, a Petri dish, in vitro, that means in glass.

This is in vivo, that means in life. The in vitro fertilization, they then will divide and the doctors watch them divide. And if they are going to harvest these for stem cells they generally wait to the inner cell mass stage down here and take them out. And the reason for that is that these cells do not like to be alone. And you have to be clever to get one of them to divide.

So they take them when they have lots of company after there is a number of cells in the inner cell mass. They take these cells and destroy the embryo in the process.

There is a technique used, first in laboratories in England, and then in this country, and I spent more than a half hour on the phone with two of the physicians in the one here in Virginia, where they go to the 8-cell stage, and this is all in a Petri dish in a laboratory now.

And they take a cell, and sometimes they get 2 cells from the 8-cell stage, and they do a preimplantation genetic diagnosis on that to make sure that the baby is not going to have some genetic deficiencies like Trisomy 21. You generally know it as Mongolism. And that is when just one of the chromosomes, there are three of them there. And if there are three of those chromosomes there, there are various degrees of Trisomy 21, but the baby then will be affected by that.

And you would like to have, most parents would like to have a normal baby. So they can do a preimplementation genetic diagnosis, and then they implant the remaining seven and sometimes six cells. And more than 2,000 times now, what appears to be a perfectly normal baby has been produced from that. I will have a slide a little later to show this.

But I would just like to note for now that that is no big surprise. In fact, the big surprise to me would be that the baby was not normal, because nature, for as long as we have had people here,

and happens in animals too, but nature has been doing exactly this, but they take not just one or two cells away, nature takes half the cells away. And from each half, nature grows a perfectly normal baby, and we call them identical twins.

So if nature can take half of the cells away and each half develops into a perfectly normal baby, it ought to be that you can take a cell or two away and the embryo would not even know it. If it does not know that half of the cells are gone, if it goes on and develops into a perfectly normal baby, each half does, why should it be affected at all if you take only one or two cells?

So the big surprise to me would have been if there was any effect of this on the baby. And it is that technique which had occurred to me earlier. But to kind of put this in perspective, I would like to look at the next slide. And this next slide, this next chart up depicts some of things that we have been talking about and some additional ones.

This is the fertilization process. We saw that in that former slide. But we did not see there the early development of the gametes or the sex cells. And they develop in the seminiferous tubules in the male, and in the ova of the female, those cells divide and divide again.

And most of these divisions are what we call mitotic divisions, that the chromosomes split so that the same number of chromosomes remain in the daughter cells. But in one of these processes there is a meiotic division called meiosis where the chromosomes do not divide, so that when the cells split, each daughter cell has only half as many chromosomes.

You see, that is necessary because the chromosomes are going to be joined from the female and from the male, and you now need to end up with the right number of chromosomes, not twice as many chromosomes. Because if that happened, the embryo would certainly die.

By the way, it is really interesting that in plants, when you have what is called polyploidy, that is what this is called when you have polyploidy, which is more than the diploid, which is the double, and there is a haploid number here, and there is a diploid number when the two haploids come together.

In plants it just makes them bigger and prettier, and the flowers brighter colored and so forth. That works well for plants, but for humans and all other animals, by the way it is fatal.

So this depicts the fertilization process and they combine to form the embryo, and then the embryo divides again and again. And we see there the same types of depictions that we saw previously.

The second little sequence here shows cloning. And Dolly the sheep was the first clone that the public knew about anyway that was produced. In cloning what happens is, that you take an egg cell, and you take the nucleus from the egg cell. You remove the nucleus, so now you have an egg cell with no nucleus there. And then you take a nucleus from a donor cell. This is a general somatic. By soma, that means body, somatic cell. You take the nucleus from that cell, and you put it inside the egg cell.

Now all of the genetic material is not in the nucleus. Most of the genetic material that determines who you are, whether you are male or female, tall or short, blond or brunette, going to be tall and thin or short and stout, most of that is in the nucleus. But in the cytoplasm here are a lot of control factors. Ribonucleic Acid, so called RNA and then messages are sent back and forth between the cytoplasm and the nucleus.

And so there are a lot of control factors here in the cytoplasm that when this nucleus from a skin cell or whatever is put inside this egg cell, it is controlled by these control factors in the cytoplasm under appropriate circumstances, so that it now behaves as if it were an embryonic cell. And that is because of the control factors here.

Of course, what the offspring is going to look like now is what the individual looked like from which the donor cell was taken. I was privileged to go to a little dairy in my district that is probably unique in all of the world. He happened to have the best Holstein cow in America, which probably means the best Holstein cow in the world, because we have some of the best cattle in the world.

Her name was Zena. And a cloning company wanted to work with him. And so he cloned two daughters of Zena. And then Zena broke her back and she had to be put down. But he had Zena's daughters. It was very interesting. The daughters did not look exactly like Zena. Why shouldn't they? And that is because of the black and white pigment, the general distribution, whether they are mostly white or mostly black is controlled by the genes.

But the actual pattern is kind of an accident of development. And so the two daughters had exactly the same genetic composition as their mother, looked somewhat different. They both had roughly the same amount of black and white, but it was distributed a little differently. And so you could see there the effects of the factors at work during the development of the embryo.

The third little sequence down here shows us parthogenesis. Parthogenesis is when an offspring develops just from the ova. That can only happen if this meiotic division does not occur, because the ovum has to, and it says that here, induce the egg to keep all of its chromosomes. This is kind of easy to do with salamanders and frogs and so forth. There is a lot of parthenogenic embryonic studies that are done with these, with these animals.

But now of course it is going to have exactly the same genetic makeup as the mother. I do not know if we ever have a documented case of this happening in humans. But you can certainly induce it in some of the lower animals.

The next chart now shows us the four processes, the potential sources of stem cells that were described here in the white paper produced by the President's Council on Bioethics, called alternative sources of human pluripotent stem cells. Dr. GINGREY used the term pluripotent. I would like to note just for a moment what that means.

The embryo itself, when it is first fertilized, is totipotent, it can produce any and all cells, including the decidua. These are the cells that will produce the amnion and corion to support the embryo. By the time it gets to several divisions, even the eight-cell stage, it has now become only pluripotent. A single cell will not be able to produce all of the tissues of the body.

If it could produce everything, maybe produce all of the issues of the body, but not the decidua, if it could produce all of those, it would simply, as Dr. GINGREY mentioned, be another embryo and the ethical argument would start all over.

But it is my understanding, and I was pleased to learn this, because I did not know before I got involved in this, I do not think that we knew until very recently with research, when the embryo went from totipotent to pluripotent, but you do not want totipotent cells, you want only pluripotent cells; that is why the name of this article.

There are several different techniques, four of them, and three of them are shown here. The last one will be on the next slide. Altered nuclear transfer. This is an interesting one. You will see that it looks very much like the cloning.

But what they do before they put the donor cell is they turn out, turn off some of the genes in the donor cell. Generally they are the genes that would produce the decidua. So you do not end up with an embryo, you end up with a mass of dividing cells that have all of the cell types the embryo would have, but they are not organized as an embryo.

So the argument is made that since it is not an embryo, you can take the cells from it. And then you turn the gene back on, because in your stem cell line, you want to have a normal cell, so you turn the gene back on.

There is another variant of this, which is interesting and might have less ethical arguments. Because the ethical argument here might be that you are simply producing a deformed fetus. If a fetus is born deformed, you do not take it and kill it, so why should you kill this? You have intentionally deformed it.

Now the proponents of this will argue that it is really not a fetus because it has no chance of ever developing into a baby. But that argument kind of goes away if you use this technique.

Because what they do here is to enhance the cells that produce the embryonic stem cell growth so that it cannot produce the whole baby.

□ 2015

You haven't disrupted, changed the embryonic makeup; you simply enhanced the activity of some of the cells. So this altered nuclear transfer oocyte-assisted reprogramming is what it is called. And obviously we need a lot of animal experimentation, which is what the bill provides for.

This is the technique that I had suggested to the President. I met him at an event shortly after I went to NIH, and I talked to some of the doctors there. They had an open laboratory there and invited the staff out and Members out. I think I was probably the only Member that was there.

But they were talking about the potential of embryonic stem cell research. They didn't know what position the President was going to take; and of course you can't get inside their head, but my feeling was that they believed that the President was going to permit the use of surplus embryos and use Federal money for that. He, of course, did not do that.

But I asked them during this discussion, if in the development of identical twins you can take half the cells away and each half produces a perfectly normal baby, why shouldn't you be able to take one or two cells away to produce a stem cell line from, and then the rest of the embryo would produce a perfectly normal baby? And they said, yes, that ought to be possible.

And this is just depicted here. You have taken a cell away and you developed it into an embryonic stem cell line. That is easier said than done, because these cells don't like to be alone. And now two doctors say they have done it; Verlinksy and Lanza both say that they have successfully developed a stem cell line from a single cell. But both of them did it creatively by giving this cell some company, and after developing a sufficient number of like cells, they then could take the company cells away, and they had a pure embryonic stem cell line.

The last one here is a really interesting one, and that is the idea that you could take cells from an embryo which was clinically dead, like a person could be clinically dead but their organs are still good; that is how we do organ transplants. So maybe there is a time when an embryo is clinically dead, but the cells are still alive. It does not have the organizational capacity to produce an embryo, but yet the cells are still alive. There has been a lot of research on this, and, yes, that is a possibility.

The argument might be, gee, what kind of confidence could you have? You have got a good stem cell line from an embryo that was dead? But the counterargument would be, and one of our colleagues has a lung transplant here in the House and one of my very good friends here had a double lung transplant and lived with it for a long number of years, and both of those came from people who were clinically dead.

The next chart shows a really interesting one. And if this could be made to work, it is better than any of the others because you now would end up with embryonic stem cells that were a genetic match for the person that you were going to treat. And we won't take the time to go through these, but these are all techniques of trying to convince the donor cell, this is the donor, this is the guy with Parkinson's disease or the child with diabetes. You take the donor cell now and you use embryonic stem cell, the cytoplasm of the embryonic stem cell to confuse the donor cell nucleus so that it thinks it is an embryonic stem cell. And if you can do that, it is called de-differentiation, you have now taken the de-differentiated state, if you could do that, this would be the best of all worlds, because not only do you have a stem cell, you have a stem cell that is generically identical to the person you are going to treat so you don't have any rejection.

Now, we don't know if this is going to work or not, and what this bill does is to authorize the NIH to expend Federal funds to explore all of these techniques.

The next slide shows a phenomenon, and I would like to ask Dr. GINGREY to make a brief comment. We will be closing here in about 7 minutes, but this is what led me to believe that you could take cells from an early embryo without hurting it, because nature does this all the time. It is called identical twinning. Sometimes they divide at the two-cell stage and sometimes as late as the inner-cell mass stage. And my understanding is that you can tell when the division occurred by how they present. If they present at birth in a common amnion, the division probably occurred at the two-cell stage. If they present in the uterus with two different amnions, the division probably occurred at the inner-cell mass stage. And I would like to ask Dr. GINGREY, in his many deliveries, if he has had a chance to verify if this was true.

Mr. GINGREY. I thank the gentleman.

Indeed, it is true, Mr. Speaker, what he is describing. In fact, I can relate some personal experience to that. I think a lot of my colleagues know my wife and I had our fifth grandchild, but our oldest grandchildren are identical twin girls; they are 8 years old, and they were actually born at 26 weeks. They only weighed one pound, 12 ounces. And, Mr. Speaker, normally that situation is fraught with a lot of problems, and we were, of course, very blessed that they did well.

But what Representative BARTLETT is talking about is exactly right. And, as he said, in human nature, you get this division, and you may be dividing at the eight-cell stage, you may be dividing at the four-cell stage or the 16-cell stage, and no harm is done. You are basically taking away 50 percent; it is almost like the wisdom of Solomon in dividing a child without harming either. And it is amazing what human nature can do.

And the gentleman said earlier that preimplantation diagnoses biopsy of the embryos so that you can avoid reimplanting an embryo that has a genetic defect that is incompatible with life. And these processes are being done, the gentleman referred to maybe a couple hundred cases that he was familiar with, with absolutely no harm. So this is exactly the right track, and so I do agree with your statement.

Mr. BARTLETT of Maryland. I thank the gentleman very much. I had forgotten that he had identical twins and is very familiar with this, not just as a physician but as a father.

I want to close with a note that a very fortuitous thing has happened, and let me put the next chart up that simply is a page from this White Paper that refers to this technique and that credits me with this proposal early in this process.

After I suggested this to the President, a very interesting thing had happened after that with a dialogue between Karl Rove and the White House, and they were, in effect, carrying out simultaneous monologues and thought they were dialoguing. And that very frequently happens, one of our big problems in this world, which is why, I guess, we have a State Department, because sometimes people think they are dialoguing and they really are carrying on simultaneous monologues.

But during this 5 years this technology has developed to the point that the British now are doing this preimplantation genetic diagnosis. And I am sure he won't mind if I mention his name. Richard Doerflinger made one of the greatest contributions to this dialogue of anybody when he suggested, ''Roscoe, the first thing that you need to do with that cell that you take from this eight-cell stage is to establish a repair kit for the baby.''

Now, we are kind of trying to do that with freezing cord blood. That is the reason you freeze cord blood, because later you may need it. That, by the way, is not embryonic stem cell; those are the adult stem cells. The baby's is an adult when it is born. As a matter of fact, the day you are born, you start to die. You are an adult when you are born. The embryonic is when you are first starting to develop; it is not an embryo, it is a fetus at that time. And the tissues are really in terms of the genetic development; they are adult tissues.

But if now the first thing that a parent does with that cell that is taken is to establish a repair kit and take a second cell, because the six cells that were implanted do just as well as the seven that were implanted, with the second cell, do a preimplantation genetic diagnosis, if they wish. But the critical thing is that we would get the stem

cell lines now from the surplus cells, from the repair kit.

So now I think that all ethical arguments disappear, because the parents are making two decisions that we are not a part of; we don't even get involved. They make a decision to have in vitro fertilization; then they make the decision to establish a repair kit. And only after the repair kit is established do we ask for some surplus cells from the repair kit.

I am very pleased that there is this possibility, because I understand, and I have a number of prolife friends who have decided that since these surplus embryos are going to be thrown away anyhow that you may as well try to get some medical benefit from them. That may be, for some, a compelling argument. And if I didn't believe that there was an alternative to that, it might be a more compelling argument.

But since there is an alternative to that and we don't have to offend the sensibilities of a large number of people in the country, and I am one of them; I am a little different, I guess, because I am a scientist and understand these things a little from that perspective, too. But I am devoutly prolife.

And I am just so pleased, Mr. Speaker, that we will have the opportunity shortly in the House as they are doing in the Senate to vote on a bill that can go to the President's desk, where he can sign the bill and say, I am really happy that we have here a bill that gives all of the promise of embryonic stem cell research without destroying or even hurting embryos.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order of the gentleman from Texas (Mr. BURGESS) is vacated.

There was no objection.

AVIAN INFLUENZA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. BURGESS) is recognized for 20 minutes.

Mr. BURGESS. I thank the Speaker for that consideration.

Mr. Speaker, I wanted to come to the floor tonight to speak just a little bit about a situation that we have had to address here in Congress, and we likely will have to think about it some more over the coming year or years, and that is the issue of avian influenza.

The important thing to remember when we talk about bird flu, or avian influenza, is, there are different types of flu. We are all familiar with the common type of influenza, the one that we all get a flu shot for or should get a flu shot for every year. And the reason we have to be vaccinated every year is because there are modest changes that occur in the genetic makeup of this virus year in and year out, a so-called genetic drift.

Avian flu refers to a virus that is currently present only in birds, but has on occasion made the transition to a human host with rather significant effects. This reflects a bigger genetic change than can occur in the flu virus from time to time, a so-called genetic shift. This could become a major health threat to humans.

As of June 20, 2006, the World Health Organization has confirmed 228 human cases with 130 deaths. It doesn't take much to do the math to see that that is a mortality rate in excess of 50 percent for this virus.

Now, the trouble signs that are already present. We do have the virus present in birds; there is a wide geographic setting with involvement of other animals, including cats and tigers. Bird-to-human transmission has occurred, but it has occurred only with inefficiency; and there has been on occasion, through close household contact, inefficient human-to-human transmission.

Steps one through four have occurred since 1997, and I must stress, they have occurred in the Eastern Hemisphere of the world. There have been no reported cases in birds or humans in the Western Hemisphere.

The last step in this process, the efficient human-to-human transmission of this virus, has not occurred. If that step does occur, and it is certainly not certain that it will, but if that step does occur, that would trigger the onset of the possibility of pandemic flu.

One of the big problems that we have with this virus, as humans, is that we have no underlying immunity to this virus, so that if the virus is introduced to the community where it can spread easily from person to person, it could progress very rapidly through the population.

Now, pandemics are not new phenomena; they occur and have occurred over the centuries. They happen about every 35 years, approximately three per century. And, indeed, in the 20th century there were three such epidemics. In 1918, the so-called Spanish flu killed 50 million people worldwide. In 1957, the Asiatic flu killed 170,000 people in the United States. And, in 1968, the Hong Kong flu killed 35,000 people in the United States.

What would happen if a pandemic flu were to reemerge? The Department of Health and Human Services estimates that for a moderate outbreak like the Asian flu pandemic in 1957, we could see over 200,000 deaths in this country. In a worst-case scenario, such as the Spanish flu pandemic in 1918, almost 2 million deaths would be estimated to occur in the United States.

□ 2030

Mr. Speaker, I have a couple of maps that show some of the progression of this illness across the globe. Looking here at this first map, the eastern part of the world, avian flu cases are depicted in blue, human cases in black. On this map you will see almost 50 countries that have been involved with avian flu in bird populations and a smaller number, 10 countries, have reported human cases which have moved with some difficulty from birds to humans.

Looking at a map that shows the progression of this illness in birds, we see that in Hong Kong in 1997 when the disease was first reported, there has been a gradual progression westward since that time. June of 2004, the disease had progressed to Vietnam. June of 2005, the disease was reported in Iraq. In 2006, Turkey. In March of 2006, it had made an appearance in Egypt, and the progression is westward.

This inset map on the bottom, the orange lines, and it is difficult to see, but that outlines the places where bird populations, domestic bird populations, poultry populations and human populations tend to overlap. You can see in the areas in China and Vietnam and Southeast Asia where that appears to have been a significant issue, and you can see some areas of the United States that would be at risk if bird flu actually spread to this country.

To date, the disease has been endemic in birds and over 200 million birds have been culled in the last 3 years. This is significant in that there are many parts of the world that rely on poultry as literally a means of currency, and this has been a very difficult thing for some countries to accomplish. But a critical aspect of the prevention of the disease is if we can stop it in birds and never have to worry about it in humans, it is going to be much, much better for us as a people.

Let me take these out of the way for a moment and demonstrate one of the issues that is so striking about this illness because it does occur in wild birds. This is a map that shows the migratory flyways across the world. It is thought that this virus is spread by migratory birds to poultry populations. The countries with outbreaks in general have a high concentration of poultry. There is some concern because there are two of these flyways, as you can see, the East Atlanta Flyway which goes from the African continent up into the polar regions of Canada, and then the East Asia Flyway which comes up through Australia and comes into Canada and Alaska.

Now, it is unknown whether the virus will make a transition to the Western Hemisphere by these routes, but the routes suggest there could be some risk. And for that reason, there has been increased testing across the United States starting in Alaska with nearly 100,000 samples taken from live and dead wild birds, and 50,000 samples from water from high-risk waterfowl habitats to be tested in 2006 alone.

The World Health Organization has identified six levels of pandemic alert, and we are currently at level 3 with limited human-to-human transmission.

As of June 20, 2006, the World Health Organization has confirmed 228 human cases, 130 deaths. The disease was first found in Hong Kong in 1997, and 18 human cases were encountered in that outbreak, six of whom died, and there was significant poultry culling from that population. The disease was almost arrested at that point.

There is a high incidence of the disease in a few countries. Vietnam has had 40 percent of the human cases, and Indonesia has had 20 percent of the human cases. The problem is in Indonesia, the virus has not been contained compared to Vietnam. And Indonesia has had outbreaks since early 2004, and new outbreak reports occur with some frequency. As of June 20, the 51st case of human infection, which was fatal, was confirmed.

Let's look at a map of Indonesia. There has been a steady rise of reported cases and a high correlation between poultry populations and human outbreaks.

The little triangles on the map represent human cases. It is misleading because the triangles overlap so there are more case than there are actually triangles because some of these cases do occur in clusters and are very close in a geographic footprint.

In some of the larger cities, notice how close some of the triangles occur. Indonesia is the fourth most populous country. In many ways Indonesia is still suffering from the tsunami that hit there the day after Christmas in 2004. In May they had a major earthquake in the central Java region with as many as a million and a half people left homeless, and Indonesia raises about a billion and a quarter chickens per year. That is about 7 percent of the global total. It has 70,000 villages spread across its 17,000 islands. Many of the poultry raised in Indonesia are raised in the backyards of people's houses, and about 80 percent of the country's 55 million households actually have close proximity to poultry. And that makes the presence of the disease in Indonesia a little more troubling.

A chart that is fairly busy but I think important to look at depicts some of the cases that have occurred in Indonesia. This is information that has been confirmed by scientists and field researchers from the World Health Organization. This is a recent family cluster that occurred in the Kubu Simbelang village in North Sumatra.

Many of the recent news headlines had to do with the fact concerning the avian flu virus may have become efficient in going from human to human, but the outbreak investigation showed that this is indeed, although there is a high number of cases, it is indeed what is known as a contained cluster, meaning no others, no health care workers, no neighboring villagers, were being infected.

The initial case, the index case of a 37-year-old woman, was most likely infected by her sick and dying backyard chickens. She kept them indoors at night. No specimen was taken from this patient before she was buried so it cannot be confirmed that she was infected with the H5NI virus. However, seven of her relatives did test positive for the virus. The relatives most likely became ill because of close contact with the initial illness. Six of the seven relatives have died, so currently limited inefficient human-to-human transmission of the H5N1 virus that causes the avian flu.

Another thing that is striking about this, we all think of flu as being an illness that strikes the very young or very old. But look at the age distribution in this family, in this village. Basically young healthy people were the ones that were infected. Now, it is not known whether that is significant or that just was the cluster that unfortunately got infected by that incident of infection, but it is striking that so many people were in the age group where you would think they would be young and healthy with a good immune system that could ward off this virus.

In general, 3 to 5, 10 days elapse between the time of symptoms to death with this illness.

Now several things separate the situation that is present today from that which existed in this country in 1918, and the first has been the introduction of antivirals and vaccines. Antiviral agents are able to actually attack part of the virus itself and work like an antibiotic and prevent the virus from replicating, and prevent the viral infection from being so severe.

Antivirals do have to be administered within the first 24 hours of the onset of symptoms in order to be effective. For that reason, we have to have an adequate stockpile of antiviral medications, and there has to be the distribution network to get the antiviral medications to the areas where they would be required should an outbreak occur.

Tamiflu is probably the most famous of the antivirals. Relenza is another one proprietary name for one of the antivirals. Again, if administered during the first 12 to 24 hours, these have the possibility of not stopping the illness, but moderating the course of the disease.

Vaccines are historically our major line of defense against viral illnesses. One of the problems we have is we have not had a great deal of secure vaccine manufacturing within our borders for a number of years. We have to have that ability to manufacture the vaccine within the United States.

One of the other problems is this virus is constantly evolving. It has not yet evolved from a state where it can go easily from human to human. There has been a vaccine developed to the current H5N1 virus, but if it changes yet again to the efficient human-to-human form, the vaccine may not be as effective. To some degree, you almost need to wait until the pandemic occurs before you can actually develop the vaccine.

But the good news is that there has been a vaccine that has been developed that seems safe. It does seem effective against the current strain of bird flu. One of the difficulties occurs, since we have no native immunity to this virus, it does take a lot of this vaccine to render someone immune to the virus. Normally you take a flu shot that is 15 micrograms of material to develop immunity. With this vaccine, it requires two doses of 90 micrograms in order to get someone to develop the appropriate immunity.

The other thing that has to happen, vaccine manufacturers that do exist manufacture vaccines by an old method, an egg-based method. If the disease is in chickens and we are having to cull poultry from the population, you don't want to depend upon an egg source for your vaccine, and newer cell-based technologies certainly need to be developed.

Surge capacity within the health care system is going to play a key role. We are going to have to be certain that we protect first line responders with whatever vaccine is available. If the virus hits, antivirals have to be available for first line responders. It is going to be important to rotate health care workers so they don't become overwhelmed in dealing with the disease, and we are going to have to offer mental support services, not just for health care workers, but for patients and their relatives who are charged with caring for them. This could be a disease that will take a very heavy emotional toll on the population.

In order to minimize the economic impact, we have to implement business continuity plans. This is being done in many communities. Certainly my communities back in Texas have looked into how they will handle some of the other things that local and county and State governments are supposed to do if faced with a pandemic outbreak.

Mr. Speaker, I will wrap this up. I do want to mention that I spent a day last week in Geneva with some individuals at the World Health Organization. Dr. Michael Ryan was kind enough to spend some time talking with me on the global perspective. I have been focused primarily on preparedness within this country, and Congress appropriately has been focused on preparedness in this country. But I want to make mention of some of the things being done by the World Health Organization in order to make certain that the virus is either arrested in its initial outbreak or that the disease is mitigated because people have been on top of it.

Dr. Ryan works at a place called the Strategic Health Operations Center that is part of the World Health Organization in Geneva. The purpose of that organization is to provide strategic support, in this country to provide that strategic support to the Department of Health and Human Services, but they also have a global response network that is responsive to the World Health

Organization as well as the CDC and Health and Human Services Department here in this country.

The concept is to control this virus at the source, and that is really what is one of the critical features of this. That is how they were able to gain control in Vietnam and Hong Kong. To some degree, culling of poultry populations is something that we may see more of as time goes by, as well as isolation and quarantine of infected individuals coupled with vaccination and antivirals.

Intelligence is of course a key to this whole process. And then verification of that intelligence, assessment of the situation on the ground and then a response to the situation as it occurs. All of these are parameters that the World Health Organization is monitoring through the Strategic Health Operation Center in Geneva.

Countries need to know that they just are not able to hide a problem like this and that officials at the World Health Organization consider this a reportable illness with or without the permission of the host government of the country. That, I think, is a terribly important step.

We have a lot of work yet to do in Congress as far as national preparedness. A good deal of work has already been done as far as the request for proposal for vaccines that went out earlier this year through Secretary Leavitt and the Department of Health and Human Services. A lot of preparatory work is taking place on the State, local, and county levels.

Every one of our committees in Congress has a role to play in preparedness for the possibility of this pandemic.

In the final analysis, is a pandemic going to occur? No one knows the answer to that question. It could be an illness of such severity that preparedness is something we are all going to wish we spent more time doing.

□ 2045

Or it may have come across as something more like the Y2K phenomenon where nothing much happens.

It will be in our best national interest, though, to focus on some of these preparedness aspects to work with some of our partners at the World Health Organization, be certain that we keep this virus under surveillance, be certain that we develop the vaccine capability, the surge capacity within our health care system and the development and stockpiling of antivirals within our country.

Mr. Speaker, you have been very indulgent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for July 10.

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today.

Mr. HINCHEY (at the request of Ms. PELOSI) for today.

Mr. MCNULTY (at the request of Ms. PELOSI) for today and the balance of the week.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today from 12:30 p.m. and for the balance of the day on account of traveling with the President of the United States in Wisconsin.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LYNCH, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. ADERHOLT) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today.

Mr. OTTER, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 12, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8429. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification of the Department's intention to close the Defense commissary store at Naval Air Station (NAS) Keflavik, Iceland by August 31, 2006; to the Committee on Armed Services.

8430. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(1); to the Committee on Armed Services.

8431. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting certification that the Global Hawk program has been restructured, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

8432. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting certification that the National Polar-orbiting Operational Environmental Satellite System program has been restructured, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

8433. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Henry P. Osman, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8434. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 15-06 which informs of an intent to sign the Defensive Aid Systems Project Arrangement between the United States and the United Kingdom; to the Committee on International Relations.

8435. 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(a); to the Committee on International Relations.

8436. A letter from the Vice President, Office of External Relations, CHF International, transmitting the 2005 Annual Report entitled, ''Pathways to Stability''; to the Committee on International Relations.

8437. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 2005 Annual Report to Congress on Peacekeeping; to the Committee on International Relations.

8438. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the April 15, 2006–June 15, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

8439. A letter from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief: Food and Nutrition for People Living with HIV/AIDS, as requested in House Report 109-152, accompanying H.R. 3057; to the Committee on International Relations.

8440. A letter from the Secretary, Department of Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency

Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on International Relations.

8441. 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 Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

8442. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the Annual Report of the Corporation, which includes the Corporation's operational and financial results as of September 30, 2005, pursuant to 29 U.S.C. 1308; to the Committee on Government Reform.

8443. A letter from the Chief Human Capital Officer, Corporation for National & Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8444. A letter from the Secretary, Department of Agriculture, transmitting the Department's strategic Plan for FY 2005–2010; to the Committee on Government Reform.

8445. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8446. A letter from the Assistant Secretary for Administration and Management, Chief Acquisition Officer, Department of Labor, transmitting the Department's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2005, pursuant to Public Law 108-447, section 641; to the Committee on Government Reform.

8447. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8448. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2005, pursuant to Public Law 108-447, section 641; to the Committee on Government Reform.

8449. A letter from the First Vice President & Controller, Federal Home Loan Bank of Atlanta, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8450. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8451. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Des Moines, transmitting the 2005 management report and statements on system of internal controls of the Federal Home Loan Bank of Des Moines, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8452. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the 2005 Statements on System of Internal Controls of the Federal Home Loan Bank of Indianapolis, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

8453. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's FY 2005 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Government Reform.

8454. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Closing of the Port of Noyes, Minnesota, and Extension of the Limits of the Port of Pembina, North Dakota [CBP Dec. 06-15; USCBP-2005-0001] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8455. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01-05-106] (RIN: 1625-AA11) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8456. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Port of New York and Vicinity [CGD01-05-101] (RIN: 1625-AA01) (Previously reported as RIN: 1625-AA98) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8457. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Massalina Bayou, Panama City, FL [CGD08-06-016] (RIN: 1625-AA09) received June 20, 206, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8458. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chelsea River, Chelsea, MA [CGD01-06-024] (RIN: 1625-AA09) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8459. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Hog Island Channel, Charleston SC [COTP Charleston 06-003] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8460. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks Displays in the Captain of the Port Portland Zone [CGD13-06-009] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8461. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River and College Creek, Annapolis, Maryland [CGD05-06-052] (RIN: 1625-AA87) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8462. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River and College Creek, Annapolis, Maryland [CGD05-06-052] (RIN: 1625-AA87) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8463. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, North Carolina [CGD05-06-023] (RIN: 1625-AA08) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8464. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Rappahannock River, Essex County, Westmoreland County, Layton, Virginia [CGD05-06-024] (RIN: 1625-AA08) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8465. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Nanticoke River, Sharptown, MD [CGD05-06-020] (RIN: 1625-AA08) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8466. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Norfolk Harbor Entrance Reach, Chesapeake Bay, VA [CGD05-06-051] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8467. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on the Niagara, The Niagara River at Gratwick Riverside Park, North Tonowanda, NY [CGD09-06-029] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8468. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Hog Island Channel, Charleston, SC [COTP Charleston 06-003] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8469. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tarague Basin and Adjacent Waters, GU [COTP Guam 06-008] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8470. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rockets for Schools, Sheboygan, WI [CGD09-06-024] (RIN: 1625-AA00) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8471. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Child Restraint Systems [Docket No. NHTSA-2006-24980] (RIN: 2127-AI66) received

June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8472. A letter from the Assistant Chief Counsel, Hazardous Materials, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Requirements for UN Cylinders [Docket No. PHMSA-2005-17463 (HM-220E)] (RIN: 2137-AD91) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8473. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. ALF502L Series and ALF502R Series Turbofan Engines [Docket No. 92-ANE-34-AD; Amendment 39-14584; AD-2006-09-13] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8474. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Organization Designation Authorization Program [Docket No. FAA-2003-16685] (RIN: 2120-AH79) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8475. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-200 and -300 Series Airplanes [Docket No. FAA-2006-24104; Directorate Identifier 2005-NM-231-AD; Amendment 39-14595; AD 2006-10-11] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes in Operation [Docket No. FAA-2006-24120; Directorate Identifier 2006-NM-021-AD; Amendment 39-14593; AD 2006-10-09] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2006-24792; Directorate Identifier 2006-NM-102-AD; Amendment 39-14599; AD 2006-10-15] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-223, -321, -322, and -323 Airplanes [Docket No. FAA-2004-19982; Directorate Identifier 2004-NM-142-AD; Amendment 39-14597; AD 2006-10-13] (RIN: 2120-AA64) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Big Lake, AK [Docket No. FAA-2006-23927; Airspace Docket No. 06-AAL-11] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of VOR Federal Airway V-623; NJ and NY [Docket No. FAA-2005-23424; Airspace Docket No. 05-AEA-23] (RIN: 2120-AA66) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Atqasuk, AK [Docket No. FAA-2006-23710; Airspace Docket No. 06-AAL-03] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8482. 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. 30496; Amdt. No. 3168] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8483. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Restricted Areas R-3007A, B, C, D, and E; Townsend, GA [Docket No. FAA-2003-16531; Airspace Docket No. 96-ASO-10] (RIN: 2120-AA66) received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8484. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30497; Amdt. No. 3169] received June 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8485. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Onslow Bay, Beaufort Inlet, Morehead City State Port, Beaufort Harbor and Taylor Creek, North Carolina [CGD05-06-015] (RIN: 1625-AA08) received June 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 4855. A bill to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public and private school tuition assistance programs established under the Act (Rept. 109–553). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOREN:

H.R. 5755. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. BEAUPREZ:

H.R. 5756. A bill to provide additional authority to the Secretary of Agriculture and the Secretary of the Interior to implement hazardous fuel reduction projects in the State of Colorado in response to dangerous fuel levels and insect infestations in forested Federal land in Colorado, to extend the maximum duration of stewardship contracts carried out in Colorado, to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from biomass, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself and Mr. SCHIFF):

H.R. 5757. A bill to amend title 11 of the United States Code with respect to converting chapter 7 cases of certain debtors who are victims of identity theft; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. BRADY of Pennsylvania, Mr. SIMMONS, and Ms. BORDALLO):

H.R. 5758. A bill to amend title 38, United States Code, to provide that World War II merchant mariners who were awarded the Mariners Medal shall be provided eligibility for Department of Veterans Affairs health care on the same basis as veterans who have been awarded the Purple Heart; to the Committee on Veterans' Affairs.

By Ms. HARRIS:

H.R. 5759. A bill to amend the Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to prevent waste, fraud, and abuse in the Directorate, to codify certain existing functions of the Department of Homeland Security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, Energy and Commerce, International Relations, the Judiciary, and House Administration, 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. NUNES:

H.R. 5760. A bill to fulfill President Clinton's commitments made as part of the designation of the Giant Sequoia National Monument by presidential proclamation to provide a transition from the timber sale program in effect before the designation to the more restrictive management anticipated for the national monument, to promote the Kings River Research Project in the Sierra National Forest, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 5761. A bill to amend the Nuclear Waste Policy Act of 1982 to improve the material control and accounting and data management systems used by civilian nuclear power reactors to better account for spent nuclear fuel and reduce the risks associated with the handling of those materials; to the Committee on Energy and Commerce.

By Mr. TERRY:

H.R. 5762. A bill to amend the Fairness to Contact Lens Consumers Act with respect to the availability of contact lenses; to the Committee on Energy and Commerce.

By Mr. WOLF:

H.R. 5763. A bill to authorize the exchange, between the Secretary of the Interior and the Secretary of Transportation, of administrative jurisdiction of Federal land at the George Washington Memorial Parkway in

McLean, Virginia, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 5764. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; to the Committee on Resources.

By Mr. GOHMERT:

H.J. Res. 91. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. FOSSELLA (for himself, Mr. MICA, Mr. KING of New York, Mr. KUHL of New York, Mr. FERGUSON, Mr. PAYNE, Mr. BOEHLERT, Mr. NADLER, Mr. CROWLEY, Mr. TIBERI, and Mr. TOWNS):

H. Res. 908. A resolution congratulating Italy on winning the 2006 Federation Internationale de Football Association (FIFA) World Cup; to the Committee on International Relations.

By Mr. PRICE of Georgia (for himself, Mrs. KELLY, and Mr. SCOTT of Georgia):

H. Res. 909. A resolution encouraging the United States financial services industry to develop, test, and implement systemic plans to address the challenges and risks posed by pandemic or bioterrorism events to the national and international economies, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. TIBERI.
H.R. 354: Mr. SAXTON and Ms. PRYCE of Ohio.
H.R. 379: Mr. GRIJALVA and Mr. OWENS.
H.R. 550: Ms. BEAN.
H.R. 602: Mr. STUPAK.
H.R. 626: Mr. SMITH of Texas.
H.R. 874: Mr. BOOZMAN.
H.R. 994: Mr. REGULA and Mr. MELANCON.
H.R. 1000: Mr. PETERSON of Minnesota.
H.R. 1020: Mr. HINCHEY.
H.R. 1050: Mr. CLAY.
H.R. 1108: Mr. ROSS.
H.R. 1227: Mr. HOEKSTRA.
H.R. 1298: Ms. CARSON.
H.R. 1322: Mr. CONYERS.
H.R. 1329: Mr. JONES of North Carolina.
H.R. 1351: Mr. WALSH.
H.R. 1372: Mr. GRIJALVA.
H.R. 1376: Mr. MOORE of Kansas.
H.R. 1384: Mr. WAMP, Mr. PETERSON of Minnesota, Mr. ROGERS of Michigan, and Mr. GREEN of Wisconsin.
H.R. 1849: Mr. LIPINSKI.
H.R. 1898: Mr. WALDEN of Oregon and Mr. WHITFIELD.
H.R. 1955: Ms. HOOLEY.
H.R. 2039: Mr. UDALL of Colorado and Mr. MCKEON.
H.R. 2051: Mrs. CAPPS.
H.R. 2134: Mr. OLVER.
H.R. 2178: Mr. CAPUANO and Mr. GONZALEZ.
H.R. 2206: Mr. MICHAUD, Mr. RUSH, and Mr. ALLEN.
H.R. 2393: Mr. TIAHRT.
H.R. 2421: Mr. ALLEN and Mr. HASTINGS of Florida.
H.R. 2561: Mr. PAYNE.
H.R. 2793: Mr. STUPAK.
H.R. 2808: Mr. NUNES, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. HOLT, Mr. MEEHAN, Mr. GRIJALVA, Mr. CARDIN, Mr. MCCAUL of Texas, Mr. CHANDLER, Mr. CARNAHAN, Mr. SHAW, Mr. BERMAN, Mr. MILLER of Florida, Mr. HEFLEY, Mr. ETHERIDGE, Mr. DAVIS of Florida, and Mr. DEFAZIO.
H.R. 2861: Mrs. LOWEY.
H.R. 2963: Mr. KIND.
H.R. 3248: Mr. CARDIN.
H.R. 3413: Mr. LEACH.
H.R. 3427: Mr. ALLEN and Mr. KILDEE.
H.R. 3492: Mr. NADLER.
H.R. 3579: Mr. BISHOP of Georgia.
H.R. 3616: Mr. PICKERING, Mr. LOBIONDO, Ms. GRANGER, Mr. BRADY of Pennsylvania, and Mr. RAMSTAD.
H.R. 3715: Mr. BACHUS.
H.R. 3762: Mr. NEAL of Massachusetts and Mr. RANGEL.
H.R. 3795: Mr. SHIMKUS and Mrs. MILLER of Michigan.
H.R. 3875: Mr. ALLEN, Mr. CLYBURN, Mr. FILNER, and Mr. RANGEL.
H.R. 3949: Ms. HART.
H.R. 4005: Mr. SWEENEY.
H.R. 4059: Mr. BROWN of Ohio and Mr. ALLEN.
H.R. 4201: Mr. KILDEE.
H.R. 4217: Mrs. SCHMIDT.
H.R. 4264: Ms. CORRINE BROWN of Florida.
H.R. 4298: Mr. SNYDER and Mr. CROWLEY.
H.R. 4381: Ms. HART.
H.R. 4403: Mr. PETERSON of Minnesota and Mr. COSTA.
H.R. 4537: Mr. CONYERS and Mr. GRIJALVA.
H.R. 4597: Mr. LEACH, Mr. LUCAS, and Ms. WATERS.
H.R. 4772: Mr. CANNON.
H.R. 4800: Mr. ENGEL and Mr. MARKEY.
H.R. 4854: Mr. PAUL and Mr. PETERSON of Minnesota.
H.R. 4873: Mrs. JO ANN DAVIS of Virginia.
H.R. 4927: Mr. GONZALEZ, Mr. TERRY, Mr. CUELLAR, Mr. PAYNE, Mrs. LOWEY, Mr. CARDIN, and Mr. ROGERS of Kentucky.
H.R. 4961: Mr. MORAN of Virginia, Mrs. MUSGRAVE, Mrs. KELLY, and Mrs. DRAKE.
H.R. 5013: Mr. GREEN of Wisconsin, Mr. BOOZMAN, and Mr. THORNBERRY.
H.R. 5022: Mr. PAYNE, Mr. SERRANO, Mr. DOGGETT, and Ms. MCKINNEY.
H.R. 5047: Mr. UDALL of Colorado.
H.R. 5050: Mr. PETERSON of Minnesota.
H.R. 5099: Miss MCMORRIS.
H.R. 5102: Mr. PETERSON of Minnesota.
H.R. 5118: Mr. CUELLAR, Mr. TERRY, Mr. AL GREEN of Texas, Mr. GOHMERT, and Mr. GORDON.
H.R. 5134: Mr. WYNN and Mr. HERGER.
H.R. 5173: Mr. KUHL of New York.
H.R. 5212: Mr. ISRAEL.
H.R. 5233: Mr. RANGEL.
H.R. 5282: Mr. MCKEON.
H.R. 5291: Mrs. MYRICK.
H.R. 5337: Mr. NUNES.
H.R. 5381: Mr. WHITFIELD.
H.R. 5388: Mr. JACKSON of Illinois.
H.R. 5390: Mr. MCCOTTER.
H.R. 5392: Mr. SHAYS.
H.R. 5396: Ms. KAPTUR, Mr. GREEN of Wisconsin, Mr. BRADY of Pennsylvania, Mr. MCCOTTER, Ms. MATSUI, Mr. ENGLISH of Pennsylvania, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5470: Mr. TERRY.
H.R. 5482: Mr. BERMAN.
H.R. 5496: Mr. PAYNE.
H.R. 5499: Mr. BISHOP of Georgia and Ms. WATSON.
H.R. 5542: Mr. COSTA.
H.R. 5551: Mr. ROGERS of Michigan.
H.R. 5555: Mr. MARSHALL.
H.R. 5563: Mr. JACKSON of Illinois.
H.R. 5584: Mr. ETHERIDGE.
H.R. 5598: Ms. SLAUGHTER.
H.R. 5615: Mr. HASTINGS of Florida.
H.R. 5623: Mr. PASCRELL, Mr. HOLDEN, and Mr. OLVER.
H.R. 5671: Mr. BISHOP of New York.
H.R. 5674: Mr. DOGGETT.
H.R. 5680: Mr. MCCOTTER, Ms. WATSON, Mr. HONDA, and Mr. SMITH of Washington.
H.R. 5682: Mr. DELAHUNT, Mr. BOUSTANY, Mr. SESSIONS, and Mr. CONAWAY.
H.R. 5685: Mr. CROWLEY.
H.R. 5706: Mr. KIND.
H.R. 5733: Mr. MCCOTTER, Mr. GREEN of Wisconsin, Mr. LEWIS of California, Mr. BRADY of Pennsylvania, and Ms. BORDALLO.
H.R. 5735: Ms. SLAUGHTER.
H.R. 5744: Mr. SOUDER.
H.R. 5752: Mr. LANGEVIN.
H.J. Res. 73: Mr. MEEK of Florida.
H. Con. Res. 50: Mr. HAYES and Mr. SIMPSON.
H. Con. Res. 222: Mr. MEEHAN.
H. Con. Res. 384: Mr. BOEHLERT.
H. Con. Res. 390: Mr. SESSIONS.
H. Con. Res. 401: Ms. MCKINNEY.
H. Con. Res. 420: Mr. JACKSON of Illinois.
H. Res. 533: Mr. KENNEDY of Minnesota, Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, Mr. SIMMONS, Mr. KUHL of New York, Miss MCMORRIS, Mr. KING of New York, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 745: Mr. LANTOS.
H. Res. 759: Mr. TOWNS.
H. Res. 790: Ms. PELOSI, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. FATTAH, Mr. OWENS, and Mr. WYNN.
H. Res. 859: Mr. LEWIS of Georgia.
H. Res. 863: Mr. JACKSON of Illinois.
H. Res. 880: Mr. GERLACH.
H. Res. 884: Mr. CLYBURN.
H. Res. 900: Mr. VAN HOLLEN, Mr. PASTOR, Mr. CARNAHAN, and Mr. HOLDEN.
H. Res. 901: Mr. BISHOP of New York, Mrs. CHRISTENSEN, Mr. DINGELL, Mr. HINCHEY, Mr. ISRAEL, Ms. MATSUI, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. LANTOS, Mr. OWENS, Mr. ROSS, Mr. RANGEL, Mr. STARK, Mr. STRICKLAND, Mr. PAYNE, and Mr. JEFFERSON.
H. Res. 903: Mr. SOUDER and Mr. SAM JOHNSON of Texas.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152 WASHINGTON, TUESDAY, JULY 11, 2006 No. 89

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The PRESIDING OFFICER. Father Daniel Coughlin, Chaplain of the U.S. House of Representatives, will lead us in prayer.

The guest Chaplain offered the following prayer:

As one Nation, indivisible, constant in vigilance, seeking liberty and justice for all, we place all our fears, anxieties, problems, and concerns under Your protection, Almighty God.

We pray for our troops, first responders in times of emergency, peacekeepers, and all who fight the war against terrorism.

This Senate Chamber also seeks Your guidance in all decisionmaking today, that we may prove ourselves worthy of the noble sacrifice offered by the men and women in uniform. Motivated by their bravery and willingness to shed their blood for our life and liberty as a Nation, all Americans ask what is it You require of us that we may become the virtuous people responsible to uphold the sound principles that wrought this Nation into being.

May law and order not only be the words echoed in the halls of government and the courts of this land, but let us give firm evidence to our promise to uphold the Constitution of this Nation by deeds.

May the ways of justice and peace flow from the way we live and by the common practice of business and the daily discourse of its people.

Lord, may we be a people truthful in our words and committed to action that will exhibit justice and lead to peace—now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT 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 please 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, July 11, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

PROGRAM

Mr. FRIST. Mr. President, today we have the first 30 minutes of the session set aside for a period of morning business. Following that time, we will return to the consideration of the Homeland Security appropriations bill. As I announced yesterday, we will finish that bill this week. Therefore, if Senators have amendments, they should come to the floor and offer them. The two managers were here yesterday and will be on the Senate floor shortly and ready for business. Therefore, Senators can expect some votes today relative to the Homeland Security appropriations bill, and we will alert everyone when we lock in a time certain. The Senate will also recess today from 12:30 p.m. to 2:15 p.m. for our weekly policy meetings.

DEFICIT DECLINE

Mr. FRIST. Mr. President, I wish to take a few moments to comment on some very good news the administration is releasing right now as I speak.

As required by law, the administration today releases its updated estimates for this year's Federal budget. Compared to their estimate last winter that the Federal deficit would top $423 billion, today's news that the deficit will decline to $296 billion is a testament to a dynamic and growing U.S. economy. That is 30 percent less than what had been forecast in just February.

It is an economy that exceeds $13 trillion today, the largest of any country in the world. It is an economy with an annual growth rate that has consistently exceeded that of the other advanced economies around the world—England, Japan, Germany, France, Italy, and, indeed, the entire Euro area. It is an economy that has grown $3.2 trillion since the end of 2000. It is an economy battered by corporate scandals, the terrible devastation wrought by September 11, and the worst natural disaster in centuries to visit our shores. It is an economy that has grown despite the more than tripling of oil prices in less than 5 years.

All this while fighting an ongoing battle to defeat global terrorism.

It is an economy that has grown steadily for the last 4 years and 8 months. It is an economy that has experienced job growth every month for the last 34 consecutive months and added over 5.4 million jobs since September 2003. It is an economy that provided 151 million Americans jobs just last month—the largest ever in history. It is an economy with a 4.6 percent unemployment rate last month

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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which was below the average of the 1960s, below the average of the 1970s, below the average of the 1980s, and below the average of the 1990s.

In short, it is an economy that has grown because of the grit and spine of the American worker, whose productivity exceeds that of all others. It has also grown because of explicit policies designed to lower tax burdens on the American public, to reduce the burdens of unnecessary and costly Government regulations, to limit the growth of unnecessary Federal spending, and then to step back and let the American workers release their great entrepreneurial competitive spirit.

The result: For the first 9 months of this fiscal year, total Government receipts rose by nearly 13 percent compared to the same period last year. That increase represents the second highest rate of growth for that 9-month period in the past 25 years, surpassed only by last year's strong record. Corporate tax receipts have grown over 26 percent, and individual tax receipts have grown 14 percent the first 9 months of this year.

When this strong growth in tax receipts is laid alongside spending that has grown about half as fast, it is no wonder the estimates released today show the Federal deficit declining rapidly.

We are making progress to bring our spending and revenue into line. Despite the cost of the Global War on Terrorism, despite the drain to our Treasury from Hurricanes Katrina and Rita and increasing costs of our health care system, we are making progress.

More needs to be done, and we cannot rest on the progress made to date. We must continue to limit the growth of unnecessary, parochial spending in the Federal budget. We must continue to find ways to lower the cost of providing health care to our seniors and to workers and their families. We must find new sources of energy for the future. We must invest the taxpayers' dollars wisely in those areas which will continue to increase our competitive advantage in a growing, competitive global economy. We must continue to lower tax burdens on families and businesses so they can plan, invest, and continue to contribute to a growing economy in the years ahead. We must do all this and more while continuing to strive to achieve fiscal balance. Today's figures confirm for me that we can and we will achieve these blessings for future generations.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

THE ECONOMY

Mr. REID. Mr. President, I was not planning on speaking today, but I must respond to the distinguished majority leader's comments about what is happening to our economy.

One need only look at a newspaper. It doesn't matter which newspaper one picks up. The one I picked up in the cloakroom is the Washington Post business section. The headline of the Washington Post business section reads:

> Tax Cuts Credited; Long-Term Outlook Still Seen as Bleak.

And you flip down through the article, it says, among other things:

> But the favorable news about the money rolling into the Treasury stems largely from shifts in the economy, including fatter corporate profits, executive bonuses and stock market gains, that reflect growing inequality, the administration's critics contend. And even the White House acknowledges that in the long run, the nation's fiscal outlook [seems very] bleak.

We need only look on the next page where the story is carried over:

> The administration's estimate was widely derided at the time; budget experts said aides to President Bush were overestimating the red ink so they could claim credit later when the actual figures came in below forecast.

This is what they did. Earlier in the year, they talked about how big the deficit would be, and they planned that because everyone knew the deficit would be smaller than that. Smaller? Mr. President, $300 billion—is that anything to brag about? I think not.

The news article further says:

> But revenue often soars or plummets unpredictably with the stock market, and a troubling story emerges from a look at the main sources of the latest revenue bonanza, according to the administration's critics.
>
> ''This all relates to the widening income disparities between high-income individuals and the rest of the population. . . .''

Our economy is not in good shape. The distinguished majority leader brags about 5.5 million jobs having been created. During the administration of President Clinton, 23 million jobs were created. We went months during this administration when no new jobs were created. During the years of President Clinton, 23 million new jobs were created, and they were high-quality jobs.

During the last 3 years of the Clinton administration, we didn't have a $300 billion deficit that people are bragging about today on the Senate floor. We paid down the debt. We spent less money than we were taking in. We brought down the national debt by about a half trillion dollars.

So, please, let's not boast about a $300 billion deficit. Any statistic one looks at recognizes the rich in America are getting richer, the poor are getting poorer, and the middle class is being squeezed. I hope some reality will come to the situation we find now on the Senate floor where the majority leader is bragging about how great it is that we have a $300 billion deficit. I don't think that is good news. I think it is bad news.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Nevada.

Mr. REID. Mr. President, I yield whatever time he consumes to the distinguished Senator from Illinois.

GUANTANAMO BAY

Mr. DURBIN. Mr. President, I thank my leader on the Democratic side.

Yesterday I visited Guantanamo Bay, along with my colleague, Senator GEORGE ALLEN of Virginia. RADM Harry Harris, commander of the Joint Task Force in Guantanamo, spent most of his day giving us a very informative briefing and a tour of the facilities.

I thank the admiral, and I thank all the soldiers and sailors at Guantanamo for their service to our country. They are great Americans doing a difficult job in a dangerous place.

I met with several young men and women from Illinois. I had lunch with them. As I always do, I left with even greater respect for our men and women in uniform. They are truly our best. They deserve our gratitude every single day.

I am old enough to remember the Vietnam war. It was a divisive war politically, and our divisions were taken out on the soldiers. That should never happen again. We can debate the policies of the United States on the floor of the Senate, but we should never debate the courage and commitment of our men and women in uniform. It is beyond reproach.

For some time, I have been critical of the Bush administration's policies on interrogation and detention. I believe these policies are not true to American values. They have hurt our efforts in the war on terrorism. They put our brave men and women in uniform at even greater risk.

Let me be clear. My criticism of the administration's policies does not reflect in any way on the fine men and women in the military. In fact, I think the Bush administration's policies in many case have done a disservice to our military. The men and women serving at Guantanamo have a difficult job. The administration's confusing, conflicting, and, according to the recent Supreme Court decision, illegal policies have made their job even more difficult.

After the September 11 terrorist attacks, the Bush administration unilaterally decided to set aside treaties which the Senate had ratified and which had been followed and honored by previous administrations of both political parties—treaties that have served us well for generations.

Alberto Gonzales, who was then White House Counsel to the President, recommended to him that the Geneva Conventions should not apply to the war on terrorism. But Colin Powell, who was then Secretary of State, objected to Mr. Gonzales's recommendation. He argued that we should comply with the Geneva Conventions and that we could do so and still effectively fight the war on terrorism. In a memo to White House Counsel Gonzales, Secretary Powell pointed out the Geneva Conventions do not limit our ability to hold and question a detainee. He also noted that the Geneva Conventions do not give Prisoner of War status to terrorists. That was Secretary Powell's opinion.

In his memo, Secretary Powell went on to say that setting aside the Geneva Conventions:

> will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops. . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain.

When you look at the negative publicity about Guantanamo today, Secretary Colin Powell's words a few years ago were clearly prophetic.

Unfortunately, President Bush rejected Secretary Powell's counsel and instead stood by White House Counsel Gonzales's conclusion. On February 7, 2002, the President issued a memo dictating that the Geneva Conventions would not apply to the war on terrorism.

After the President decided to ignore the Geneva Conventions, the administration unilaterally created its own new detention policy. They claimed the right to seize anyone, including an American citizen in the United States, and hold him until the end of the war on terrorism, whenever that might be.

They claimed that Americans and others who were detained have no legal rights. That means no right to challenge their detention, no right to see the evidence against them, and no right to even know why they are being held.

In August of 2002, the Justice Department issued its infamous torture memo. This memo narrowly redefined the meaning of torture. It said abuse only rises to the level of torture if it causes pain equivalent to organ failure or death. The memo also concluded the President had the authority to order the use of torture, even though torture is a crime under U.S. law. This became official administration policy for over 2 years before it was withdrawn under public pressure.

Relying on the President's Geneva Conventions determination and the Justice Department's torture memo, Defense Secretary Rumsfeld approved numerous abusive interrogation tactics for use against prisoners in Guantanamo Bay, including threatening detainees with dogs and forcing detainees into painful stress positions for long periods of time. The International Committee for the Red Cross has concluded that the use of these techniques is torture.

What has been the impact of the Bush administration's detention and interrogation policies? As a result of these policies, and despite the fine service of our military, Guantanamo has become a divisive, negative symbol of America around the world. Even Great Britain, our closest ally in the war on terrorism, has called for Guantanamo to be closed. This is what Lord Goldsmith, the Attorney General of Great Britain, said:

> Not only would it, in my personal opinion, be right to close Guantanamo as a matter of principle, I believe it would also help to remove what has become a symbol to many—right or wrong—of injustice. The historic tradition of the United States as a beacon of freedom, liberty, and of justice deserves the removal of this symbol.

Some people dismiss our allies' views on Guantanamo. They say it is up to the United States to decide how to fight terrorism and other countries should stay out of our business.

Of course, we need to do whatever it takes to protect America and keep us safe, whatever the international criticism. But look at the price we are paying for these administration policies. Our closest allies say it is more difficult to cooperate with the United States' efforts in the war on terrorism. As Lord Goldsmith said, Guantanamo is harming the image of the United States around the world.

It bears noting that in terms of lives committed to the cause, Great Britain was our strongest ally in the invasion of Iraq. Their judgment on Guantanamo deserves our respect.

And it is not just foreign governments that have criticized the administration's policies. It is also brave Americans who are fighting on the frontlines in the war on terrorism.

According to a publicly released FBI memo, at least 26 FBI agents have complained about abuses they witnessed at Guantanamo. According to the memo, during 2002 and 2003, 17 of these agents were complaining about "DOD [Department of Defense] approved interrogation techniques." In other words, these FBI agents were not complaining about the actions of bad apples or rogue soldiers; they were complaining about tactics that were approved by the administration and were used at that time, in 2002 and 2003, at Guantanamo. The concerns raised by the FBI are currently under investigation by the Justice Department's Inspector General.

When I raised these concerns yesterday at Guantanamo, before the men and women who are in charge of that facility, they understood what I was speaking of. They referred me to the Inspector General and said these matters are under investigation. One of the lead interrogators drew me aside and said privately to me: I don't want to ever be part of that kind of conduct. I believe him, and I respect him for what he said.

In addition to FBI agents, several military lawyers, known as Judge Advocate Generals, have also raised serious concerns about administration policies. Their concerns are found in the so-called JAG memos which have been made public. For instance, Major General Jack Rives in February 2003 said:

> We have taken the legal and moral "high road" in the conduct of our military operations regardless of how others may operate. Our forces are trained in this legal and moral mindset beginning the day they enter active duty . . . We need to consider the overall impact of approving extreme interrogation techniques as giving official approval and legal sanction to the application of interrogation techniques that U.S. forces have consistently been trained are unlawful.

Of course, the Supreme Court has weighed in now. In 2004, in two landmark decisions, the Supreme Court rejected the administration's detention policies. The Court held, as Justice Sandra Day O'Connor famously wrote for the majority in the Hamdi case:

> A state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.

Unfortunately, the administration continued to implement policies for the treatment of detainees that violate the Constitution, treaties, and laws of the United States.

Two weeks ago in the Hamdan decision, the Supreme Court again rejected the administration's policies. The Court held that the Administration's military commissions are illegal and that the President is required to comply with the Uniform Code of Military Justice and the Geneva Conventions. The Supreme Court reminded the President that no man is above the law, even during a war.

In my estimation, the fine men and women at Guantanamo are working hard to overcome the damage done by the Administration's policies. For example, they no longer use abusive interrogation techniques that the administration approved. In fact, as the chief interrogator told me yesterday, the techniques currently being used at Guantanamo comply with the Geneva Conventions. He said the Geneva Conventions provide sufficient flexibility to interrogate detainees effectively.

I asked the chief interrogator yesterday in Cuba at Guantanamo: If you were told today that you had to follow the Geneva Conventions in the way that you interrogate all of the detainees at Guantanamo, what would you have to change? He said: Nothing. I said: Do you follow the McCain torture amendment which passed the Senate 90 to 9? He said: We do.

So to argue that respecting the Geneva Conventions would in any way diminish our ability to interrogate these detainees is not right, at least not in the mind of our chief interrogator at Guantanamo. This is what Secretary of State Colin Powell told the President 4 years ago. I wish the President had followed his counsel.

According to a report in this morning's Financial Times, in response to

the Hamdan decision, the Defense Department has finally acknowledged that Common Article 3 of the Geneva Conventions applies to all detainees in U.S. military custody. If this is true, it is a belated but necessary and welcome step in the right direction.

Our troops at Guantanamo are doing their best, but they have a heavy burden to carry. Every day they wake up, put on their uniforms and face the challenges of performing a very difficult job. Now they face the added burden of attempting to rehabilitate the image of Guantanamo.

Our young soldiers and sailors should not have to carry that burden alone. It is long past time for Congress to help. Congress must ask: Have we given our troops an impossible task?

I have come to the difficult conclusion that it is time to close Guantanamo. We should immediately begin phasing out the detention and interrogation operations at Guantanamo Bay, with the goal of closing the Guantanamo detention facilities before the end of this calendar year. Even President Bush has acknowledged that Guantanamo should be closed. Despite the valiant efforts of our troops, Guantanamo has become a powerful, negative symbol around the world for the failures of this administration.

As Admiral Harris told me yesterday, many of the detainees can be charged, transferred to other countries, or released. In addition, there may be a continuing need to detain a small number of individuals who cannot be charged with a crime, but who still pose a danger to our country. I do not believe that we should release anyone who is a danger to our country or a danger to our troops. It is right that we hold them, if they are such a danger, in the appropriate legal fashion.

Of course, closing Guantanamo is just the beginning of this process. There are still many serious flaws in the administration's interrogation and detention policies. An example is the signing statement the President added to the McCain torture amendment last year, which still raises questions about what the intent of the administration is when it comes to torture. The Senate spoke 90 to 9 in a bipartisan fashion. I was proud to be a cosponsor of the McCain amendment, which said that we will not engage in torture, cruel, inhuman or degrading treatment of prisoners. That should be a clear standard for the United States to follow unequivocally.

The Supreme Court, 2 weeks ago, made it clear: We are a Nation of laws, even during a war. No person in America is above the law, including the President.

It is time for Congress to make it clear to the President that he is bound by the treaties we ratify and the laws we pass, whether it is the Geneva Conventions, the Uniform Code of Military Justice or the McCain torture amendment.

It is time for us to fulfill our constitutional responsibilities. Our brave men and women in uniform are doing their job. Now it is time for Congress to do its job.

Mr. President, this trip yesterday was an important trip for me, personally, to see Guantanamo firsthand and to meet the men and women who are doing such a great job for our country. My heart goes out to them because I know the sacrifice they are making to serve our Nation. My heart goes out to them as well because, for the last several years, they have been given conflicting messages and conflicting policies from this administration. These men and women in uniform are trained to follow the rule of law and the Geneva Conventions and the Uniform Code of Military Justice, but the conflicting policies of this administration on torture and detention have created an atmosphere which is unfair to the troops and inconsistent with the values of America.

It is clear now that we must close Guantanamo. It has become a negative symbol of the United States around the world. We must transfer those prisoners to new facilities to signal to the world that the decision of the Supreme Court has charted a new course and a new direction for America, that we have received this message and we must move forward, and we must make it clear to the world that despite the threat of terrorism, the United States will still follow the rule of law, we will follow the Geneva Conventions, we will follow the Uniform Code of Military Justice, and we will follow the bipartisan McCain torture amendment. We must make it clear that we will keep America safe, and we will also protect our values in the process.

Mr. President, I yield the floor.

The ACTING PRESIDENT Pro Tempore. The minority's time has expired.

The Senator from Colorado is recognized.

STATE OF THE ECONOMY

Mr. ALLARD. Mr. President, I have in my hand a report that has been released about 12 or so minutes ago. It is a report on the fiscal year 2007 midsession review. It is on the budget of the U.S. Government, put out by the Office of Management and Budget. It says pretty much what the Congressional Budget Office has been telling us for the last 30 days: That our tax cuts are working, the economy is strong, revenues are up, and deficits are down. Let me talk a little bit about the tax cuts and how they are bringing in additional revenues.

The Republican progrowth tax policies enacted in 2003 have triggered 2½ years of economic growth, unprecedented tax revenue increases and job creation. Since the 2003 tax cuts, America has increased the size of its entire economy by 20 percent or $2.2 trillion.

A remarkable observation was made by CNBC's Larry Kudlow over the weekend, which I think helps to put this in perspective:

> This $2.2 trillion expansion is roughly the same size as the total Chinese economy, and much larger than the total economic size of nations like India, Mexico, Ireland, and Belgium.

Pursuant to the extraordinary economic growth spawned by the 2003 tax cuts, Federal revenues have rebounded sharply following several years of decline. I would attribute most of this to the fact that we targeted reducing taxes on those industries that would create more jobs and create more revenue for the Government, particularly the small business sector. I think one of the greatest incentives for the economy to grow has been the expensing provisions that we directed toward small business which allowed the small business to write off a greater percent of their operations within 1 year. It was a huge tax benefit to small business which has resulted in a lot of increase in the number of jobs and a lot more productivity and innovation from the small business sector. It is the small business sector that drives the major portion of our economy.

Revenues grew by a dramatic 14.5 percent last year and are forecast this year to grow by $245 billion or 11.4 percent.

Last week, the Congressional Budget Office reported corporate tax receipts for the first three quarters of this fiscal year hit $250 billion, nearly 26 percent higher than the same time last year. Corporate tax receipts, the taxes that corporations are paying, increased nearly 26 percent higher than the same time last year. The deficit is down. The expanding economy is good news for the budget, specifically the budget deficit.

This morning, the White House Office of Management and Budget released its annual midyear budget update. This year's budget deficit is now forecast to be $296 billion, 30 percent below the administration's February forecast of $423 billion, or 3.2 percent of gross domestic product. This deficit represents 2.3 percent of our economy, equal to the historical average. Progrowth policies, combined with ongoing efforts to restrain spending, continue to reduce the deficit and have put us on track to cut the deficit in half in 2008, a year ahead of the President's goal.

Jobs are growing. Last Friday, the Department of Labor reported that job growth continued for the 34th consecutive month in June. The economy has created about 1.85 million jobs over the past 12 months and more than 5.4 million since August of 2003. Similarly, the unemployment rate dropped from its peak of 6.3 percent in June of 2003 to 4.6 percent today. To put that in perspective domestically, at 4.6 percent, today's unemployment rate is lower than the average of the 1960s, 1970s, 1980s, and 1990s.

Let me repeat: Today's unemployment rate is lower than the average of the last four decades.

To put that in perspective globally, since 2004, the United States has created nearly twice the number of jobs as

the rest of the G7 countries combined. This job growth is not isolated to just one part of the country. Employment increased in 48 States over the past 12 months, ending in May.

Not only is the number of jobs on the rise, so, too, are wages. Hourly compensation has risen 3.9 percent over the past year, while average weekly earnings have grown to 4.5 percent.

The economy is strong, strong and poised to stay strong. The gross domestic product, a broad measure of the economy, grew at an annual rate of 5.6 percent for the first quarter of this year. This is the fastest growth in 2½ years and even stronger than previous estimates. It follows economic growth of 3.5 percent in 2005, the fastest rate of any major industrialized nation.

This remarkable growth has come on the heels of the burst of the technology bubble, the devastating attacks of 9/11, corporate scandals and destructive natural disasters. Similar to the American people, the economy has weathered the storm. The economy has done so due, in large part, to the Republican tax cuts and progrowth policies instituted since 2001.

On restraining spending, the question becomes, What can we do to continue these positive trends? I believe the answer includes keeping taxes low and restraining spending. We need to work harder in holding down our excessive spending. With respect to the latter, I remain gravely concerned about the runaway growth of mandatory spending. For example, 20 years ago entitlements, or mandatory spending, comprised 45 percent of the budget. Today they comprise nearly 60 percent of our $2.8 trillion budget. If left unchecked, spending on just three entitlement programs—Medicaid, Medicare and Social Security—will consume 20 percent of our gross domestic product in just 30 years. To put that in perspective, the entire Government consumes 20 percent of gross domestic product today. Clearly, the growth is unsustainable and threatens our economic well-being, as well as that of our children and grandchildren.

I commend the Budget Committee chairman, Chairman GREGG, for his leadership on this issue and for introducing, along with myself and 24 other cosponsors, the Stop Overspending Act of 2006. This bill proposes tough measures to force Congress and the administration to adhere to a disciplined budget process.

The bill includes a line-item veto, or expedited rescission process, to allow the President to identify items of wasteful spending and send them to Congress for an up-or-down vote. It creates a new mechanism to essentially balance the budget by 2012. It reinstates discretionary spending caps in law, and it creates a bipartisan commission to identify and eliminate agency duplication and programs that have outlived their usefulness, as well as a commission to ensure the solvency of entitlement programs. It ensures a budgeting process to allow Congress to have more oversight, and it addresses the shadow budget that has developed due to emergency spending by building reasonable assumptions of emergency spending into the discretionary caps.

In conclusion, the economy is strong, progrowth economic policies have fueled robust expansion which has, in turn, increased revenues at a rapid pace. As a result, the deficit is on target to be cut in half by 2008, a year earlier than the President's schedule. To continue these positive economic trends, we need to keep taxes low and further restrain spending.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

GOP TAX POLICIES

Mr. DEMINT. Mr. President, I come to the floor amazed that our Democratic colleagues still claim that tax cuts are to blame for the budget deficit. In criticizing the President, they fail to mention that the previous administration handed this President a recession, corporate scandals, and a worldwide terror network that had gone unchallenged for 8 years. Now, similar to President Clinton, the Democrats say we need to raise taxes.

This is the same, tired argument they have used since the 1980s. Ronald Reagan answered them ably in his own humorous way when he said doing away with tax cuts in order to balance the budget was ''like trying to pull a game out in the fourth quarter by punting on third down.''

Now the new midsession review is answering these tax cut critics again. When we cut taxes, we invest in economic growth, which not only creates jobs but brings in new tax receipts, and that helps balance the budget. It also puts more money in the pockets of the American people.

Last year, we were happily surprised to see that the budget deficit for 2005 came in at $108 billion less than anticipated due to the unexpected rise in tax receipts stemming from economic growth. This year, we see the same trend. The midsession review states that tax receipts have produced another $127 billion in new revenues. This is exactly the opposite of what Democrats claimed would happen when we passed the jobs and growth tax cut packages in 2001 and 2003. One of my Democratic colleagues from Michigan said at the time that this bill would ''create fewer jobs than what is needed'' and ''dramatically increase the deficit and national debt. . . .''

Another Democratic colleague from Wisconsin justified his vote against the jobs and growth package saying: ''I am still looking for the part of the package that will result in jobs and economic growth.''

Senators, look no further. In addition to the $235 billion total in new revenues, we have created 5.4 million jobs since August of 2003. And the Democrats still say that we can't afford tax cuts.

Republicans and the American people know better. A shrinking deficit and more Americans at work are proving we can't afford to raise taxes. I encourage my Democratic colleagues to remember what President John F. Kennedy—John F. Kennedy, one of their own—said, that ''the soundest way to raise revenues in the long run is to cut tax rates now.''

President Kennedy's words still ring true today. Cutting taxes allows working American families to keep more of their hard-earned dollars and encourages businesses to be competitive and invest in future growth.

Both Presidents Kennedy and Reagan understood it is business, not Government, that creates jobs and prosperity. This is why Republicans will continue to fight to stop future Democratic tax increases, to make Republican tax relief permanent, and push for comprehensive tax reform.

I am pleased that this midsession review offers yet more proof that the Republican's agenda to secure American jobs and balance the budget is working. We are making progress. It is third down and time for us to run the ball for a touchdown—not punt it away.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5441, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, we are now back on the Homeland Security bill, which is an important piece of legislation as it addresses the issues of how we protect our Nation and how we deal with border security and threats involving potential weapons of mass destruction. It also addresses the issue of the management of the Department of Homeland Security, especially in areas where there have been issues, primarily—well, almost every function of

the Department has had some issues, but the ones that have been highlighted, of course, are those dealing with the Katrina catastrophe and FEMA's response to that. It is an important piece of legislation for a variety of issues, but I want to carry on a little bit with the discussion—and then I want to yield to the Senator from Louisiana, who has an amendment, but I want to continue the discussion on the issue which has been raised relative to the report that was put out today, the midsession review.

It is important for people to understand we are functioning in a Government that has fairly significant fiscal issues. We came out of the 1990s with the largest bubble in the history of this Nation, the Internet bubble—in the history of the world, honestly. And that bubble burst. That was a bubble in the tradition of the tulip bubble and the South Seas bubble, where basically people were printing money without any support behind it—called stocks. Stocks were being issued that had no value behind them. The stock value ran up, through exuberance, as Chairman Greenspan called it, irrational exuberance. When that burst, it basically took out of the economy huge amounts of liquidity. That was followed, of course, by the attack of 9/11, which was not only a catastrophic event from the loss of life and impact on our culture but also was a catastrophic event economically.

The President had the good sense to come forward with proposals which basically tried to address the economic side of the problems which we were confronting. We were headed into a very severe recession as a result of those two events. He proposed tax cuts which have been, I think vilified would be a kind word, from the other side of the aisle. He proposed those tax cuts basically on the theory that if you reduce the tax burden on the American worker to something that is fair, it will generate income because you basically create more incentive for people to be productive. It is human nature. Somebody is going to be able to take action which generates income. If they pay a very high tax on that action, they are going to have very little incentive to take that action. If they pay a reasonable and fair tax on that action, then they will take that action. The capital gains cuts is a classic example of that, where by cutting the capital gains rate we have seen massive amounts of economic activity that would not have occurred before when people would have sat on those assets, stocks, and real estate, or corporate assets. But because there was a lower and more reasonable capital gains rate, people have turned those assets over, which has had two effects.

First, it generated a taxable event which generated huge amounts of revenue to our Nation. In fact, the capital gains events have exceeded the expected baseline for those receipts by a factor of almost $100 billion over the last 2 to 3 years. Not only did they create those receipts, but it also took the assets which had been locked up in maybe productive assets but not as productive as they should have been and turned those dollars and those resources and capital investment into things which would be even more productively used because when people sell the assets, they take what they gain and reinvest it in a way which is going to produce even more income.

The practical effect of that is the dollars are working more effectively, the economy becomes more lean and more productive, and the result is even more revenue.

So the practical event is we have seen a huge increase as a result of the tax cuts which the President put in place with the support of this Congress—the Republican Congress, obviously, and not from the other side of the aisle—we have seen a huge increase in the rate of revenue growth in this country. During the last 2 years, revenue jumped 14 percent last year, and it is up almost another 13 percent in the first part of this year.

The effect of that has been that we have seen receipts coming into the Federal Treasury which have reduced the deficit dramatically from what was expected, down from $423 billion to below $300 billion. We are still continuing on that path. It is an extraordinarily positive path.

Most of those receipts, ironically, come from corporate America and the higher income quadrant of taxpayers in the American economic system. Those are the folks who are paying more in taxes today—from whom we are getting more tax receipts. We are back to basically the historical level of tax burden in this country—around 18 percent gross domestic product being raised through revenue. The problem we have today is not that we are undertaxed. In fact, we are generating a lot of revenue through overspending. What we need is control of spending.

This President has tried to do that on the nondefense discretionary side, but we still need to address the entitlement side of the picture and we need to address, obviously, how we manage catastrophes such as Katrina.

That brings me to the second point I wanted to make, and that is the Democratic response to this has traditionally been to get rid of these tax cuts. It is pretty hard to take that position any longer because tax reductions are generating so much revenue. Now their position is they are going to bring up Social Security, and they are going to talk just about Social Security. What a tired prescription that is. What a reflection of bankrupt ideas that is. They are once again trying to scare senior citizens over the issue of Social Security. That has been going on for 40 years.

When I was first elected to office, I talked to Tip O'Neill, who was Speaker of the House at that time, about what the Republicans who were serving in the House in the early 1980s were going to hear during the next campaign. He said we are going to hear about three things: Social Security and Social Security and Social Security.

That appears to be the new tactic which has been gone back to—bring out the bloody shirt of Social Security and wave it at the Republican Party while ignoring, for example, the fact that we have a very serious problem in the outyears with Social Security and other retirement benefits. The Social Security system has an unfunded liability of approximately $12 trillion over its actuarial life. That is because there are many senior citizens who are going to be taking down Social Security as the baby boom generation retires.

What is the reaction on the other side of the aisle? Before any discussion can be pursued on the issue of Social Security, they immediately bring out the bloody shirt: Republicans are going to destroy Social Security; they are going to privatize Social Security; they are going to try to eliminate—''savage'' was the term used by the Democratic leader—savage Social Security. Where are their proposals to address Social Security? Where are their proposals to address any entitlement reform other than to suggest that we raise taxes through their ''paygo'' proposal, which is actually ''taxgo.'' They have no proposal. You can't tax your way out of this problem.

In fact, we have the right tax policy in place because we are generating huge revenue. What you need to do is aggressively address the spending side of the ledger. Therefore, I put forward a proposal which is supported by a large number—30 cosponsors—of my colleagues on this side of the aisle which sets out eight different initiatives called ''SOS''—stop overspending—the purpose of which is to get our long-term fiscal house in order. Even though the deficit is coming down probably below even what would be a balanced budget for all intents and purposes if we weren't confronted with a war which we have to fight and the Katrina situation which we are confronted with—in fact, if you took the cost of the war out, which we have to spend because we are confronted with a war on terror, which is for our survival, if we took the cost of Katrina out, we would essentially have a balanced budget next year. That is the fact.

But we also have to face the fact that in the outyears when the baby boom generation retires, that is not going to be the case. There will be a huge amount of pressure on us because the cost of sustaining the retirement benefits is going to overwhelm the younger generation's ability to pay for it. We have to put forward an aggressive program to resolve that issue, to make the cost of Government affordable for our children while still delivering quality services to those who retire.

We can do it if we think about it and start soon to address it. That is what SOS does. There are eight different proposals to try to accomplish that.

I hope that we will take it up and at least aggressively debate it because it is an idea that basically uses the process to push policy, and the policy is what we need. We need to get on that case.

At this time, I yield the floor. I understand the Senator from Louisiana has an amendment to offer. We look forward to proceeding with the amendment process relative to the homeland security matter.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 4548

Mr. VITTER. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. NELSON of Florida, and Mr. COBURN, proposes an amendment numbered 4548.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the United States Customs and Border Protection from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug)

On page 127, between line 2 and 3, insert the following:

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug that complies with sections 501, 502, and 505 of such Act.

Mr. VITTER. Mr. President, the goal of this amendment is very straightforward. It is about breaking down the artificial barrier that prevents many Americans, including many seniors, from obtaining safe, FDA-approved, and affordable prescription drugs.

It is no secret that Americans pay more for their medicine than any other citizen in the world, of any other industrialized country. Yet our country is the biggest marketplace for these drugs in the world. Our seniors are buying their medicine in Canada as a result of that and in some other countries simply because it is cheaper. There is no other reason. Yet we see an increasing ratcheting up by Customs and protection agents in an effort to seize these personal legal medicines from Americans who are crossing from Canada back to the United States.

That is why I bring my amendment to the floor—to stop this idiocy and lunacy. My amendment is simple. Stop that escalating practice by the Customs and Border Protection of seizing personally used, FDA-approved medicines from American citizens reentering the country. My amendment would do this by simply prohibiting funds from being used for this Customs and Border Protection activity.

Let me reiterate some very important things about this amendment.

First of all, it would do nothing more and nothing less than allow our own citizens who are reentering our own country to be able to possess FDA-approved prescription medicines for their own personal use with a legitimate doctor's prescription.

That brings up a second very important point. When we talk about prescription drug imports, there are really two types that we often talk about and deal with: commercial imports by wholesalers, huge quantities brought in for the purpose of resale in this country, and personal imports by consumers.

My amendment is simply about personal imports by consumers. We are not talking about huge quantities. We are not talking about resale within the United States.

Third, my amendment is limited to FDA-approved drugs. There is this erroneous notion that sometimes comes up in this reimportation debate that somehow we are bypassing the entire FDA approval process, that somehow we are throwing out the window that entire process by which the FDA approves certain drugs after rigorous testing and analysis. None of that is true, particularly with regard to my amendment, because, again, my amendment only applies to FDA-approved drugs.

Fourth and finally, my amendment only applies to citizens who have a valid doctor's prescription to obtain these drugs. What could be simpler and make more sense than simply allowing American citizens who possess these legal drugs that they obtain with a doctor's prescription, FDA-approved for their own personal use, not huge quantities, to allow them to possess these legal drugs as they reenter their own country, the United States of America?

This amendment would not legalize reimportation full-scale. It would not legalize wholesale reimportation. It would not get into so many of the more controversial aspects of the issue. It would simply say we are not going to allow Customs and Border Patrol to ratchet up this activity by taking away seniors' drugs as they come into our country.

I think it is very significant and noteworthy that this sort of reimportation measure has enormous support certainly in this country but also in the Congress.

I want to point out some specific legislative history that demonstrates this support.

Congress has shown support for this in numerous ways, including very recently. First of all, my amendment was passed in the House. A nearly identical version of the amendment was offered by Representative EMERSON of Missouri. That amendment was attached to this very same appropriations bill in subcommittee, and it survived the entire process going through the committee process and the floor.

That amendment is identical to the amendment which I am presenting on the Senate floor today. It passed through the entire House process with very strong support.

There are other instances that show very strong bipartisan support for this sort of measure. Recently, the House passed an Agriculture appropriations bill. There was also a significant reimportation provision put on that bill and included on the bill in the committee process, at the committee stage of consideration of the bill. That underlying bill, including that very important reimportation amendment, was passed overwhelmingly in the full Chamber by the full House by a vote of 378 to 46. I thank my House colleagues, Representative EMERSON and Representative GUTKNECHT and many others for their leadership in this regard.

Finally, an entire freestanding bill has been passed through the House before on this issue, the Pharmaceutical Market Access Act. That was in 2003, and by a vote of 243 to 186 after, I might add, the most intense lobbying in the House that I ever experienced because I was a Member of the House at that time—lobbying by the pharmaceutical companies against this bill. That freestanding bill passed the House by a very significant vote, 243 to 186.

I note that bill was far broader than the personal reimportation amendment which we have on the floor today. Again, it demonstrates the significant bipartisan support all of these reimportation measures have, certainly in the country at large, including in the Congress.

Finally, I note another victory we had not too long ago with regard to trade language. There was the very worrisome practice up until recently that the administration's U.S. Trade Representative would negotiate into many bilateral trade deals language which effectively barred reimportation from the other country—the trading partner. This was very unfortunate because it was closing the door to reimportation before it even had been opened by the Congress through trade negotiation.

Because of this very unfortunate practice, many of us in Congress, the House and the Senate, went to the administration and expressed our concern. Even more importantly, we brought language in the form of an amendment and attached it to an appropriations bill. That language said: Stop doing this; you cannot do it; it is ridiculous to negotiate free-trade agreement barriers to reimportation. We passed that language into law. I worked with my Senate colleague from Michigan on that issue. Many like-minded House colleagues worked on it in the House. We passed that into law. Most recently, the administration has acknowledged they will end this practice once and for all of negotiating this

antireimportation language in trade agreements.

There is enormous support for this type of measure in the country. There is also significant bipartisan support for this in the Congress, as has been demonstrated many previous times.

In this discussion, we should focus on the individuals—particularly the seniors—who are compelled to cross the border in many instances to get affordable prescription drugs. We should not focus on the wishes, the pleas, and the intense lobbying by the drug companies. Seniors face enormous hurdles as they face their declining years with the escalating costs of prescription drugs. We should not add this additional hurdle to the list, with Customs and Border Patrol agents forcibly seizing legal, FDA-approved medicines procured with a doctor's prescription as seniors come back across the border.

Finally, in closing, as we think about this amendment, we should also consider what the true priorities of the Customs and Border Patrol should be. We are at war. It is a different type of war than we have ever faced before—a war on terror. That war has been brought to our own shores by very evil-focused people who came into this country illegally. We face new escalating threats, including potential threats from weapons of mass destruction. Our borders are a very important battleground in that war on terror. Yet in this new post-September 11 context, we will devote significant resources, significant focus on stripping seniors of prescription drugs they have gotten with a doctor's prescription, FDA-approved drugs, for their own personal use, with no wholesalers and no resale. That is a ridiculous policy for the Customs and Border Patrol to continue.

In the post-September 11 world, we should demand that Customs and Border Patrol focus on the true priorities we face in the war on terror. Stripping these small amounts of prescription drugs from the hands of seniors, which are attained with a prescription, which are FDA approved, which are for personal use, which are not for resale, not for wholesale, not obtained by wholesalers, should not be a priority of the Customs and Border Patrol.

In closing, let me again thank my colleague from Florida, Senator NELSON, who will speak in a few minutes. Also, I thank the Senator from Oklahoma, Mr. COBURN, for cosponsoring this amendment with me, and all of my colleagues who have worked on this issue, including many House Members.

Each year, millions of Americans who cannot otherwise afford their prescription drugs go into Canada with a doctor's prescription, buy FDA-approved drugs, and take them back into our country. We should not sick the police, the Customs and Border Protection agents on them, particularly in a post-September 11 world when that agency in particular has far more important priorities.

I urge all of our colleagues in the Senate to support this simple, straightforward amendment. It is the right thing to do on this issue. It is the right thing to do with regard to setting the right priorities of Customs and Border Patrol.

Mr. GREGG. Will the Senator yield?

Mr. VITTER. I am happy to yield.

Mr. GREGG. To understand the amendment, would this amendment cover purchases over the Internet or purchases by mail order?

Mr. VITTER. It would cover any purchases which are subject to seizure by Customs and Border Patrol. I don't offhand know if those purchases are ordinarily subject to that seizure. I believe most of what we are talking about is personal seizure at border checkpoints when individuals are crossing back into the country, but the amendment would cover any potential seizure by Customs and Border Patrol.

Mr. GREGG. If the Senator will yield further, I think he may have answered the question. As I understand it, it does cover Internet purchases and purchases by mail order. Customs has jurisdiction over those should they come across the border.

Mr. VITTER. If they are subject to that seizure, yes, as I stated, the amendment would cover that.

Mr. GREGG. Mr. President, if the Senator will further yield, it would also apply to purchases that could come from any country—we are not just talking about Canada? For example, purchases from England, they could come from India, they could come from Cuba, they could come from Libya, they could come from even states that have been identified as terrorist states?

Mr. VITTER. In its present form, the amendment would cover any country. We have a change in the amendment we are submitting to the desk to exclude a certain list of countries, including most of the countries the Senator mentioned.

Mr. GREGG. I ask further, would it exclude India?

Mr. VITTER. No, it would not.

Mr. GREGG. Would it exclude Pakistan?

Mr. VITTER. No, it would not.

Mr. GREGG. Would it exclude Brazil?

Mr. VITTER. No, it would not.

Mr. GREGG. If I could ask further, the FDA position, as I understand it, is that drugs which are unapproved for sale which come across the border violate the FDA approval. The Senator, in his statement, referred many times to ''FDA-approved drugs.'' As I understand the process today, the FDA views any drug purchased outside the United States, distributed outside the United States, as being unapproved for sale and therefore not meeting FDA standards. Is that not a correct analysis of the FDA view of how it views drugs that come into this country?

Mr. VITTER. I think it is an exactly correct analysis of the FDA view based on the fact that the FDA, at least in this administration, is completely against reimportation, so they have defined FDA approval to specifically exclude reimportation.

Mr. GREGG. That is correct. But if the Senator would yield further, the Senator is making a point in his statement that these would be FDA-approved drugs the people are purchasing when, in fact, they are not FDA-approved drugs because no drug that is imported into the United States, distributed outside the United States, can receive FDA approval under their rules because the FDA decided they cannot certify the efficacy and safety of those drugs. Isn't that the FDA position today?

Mr. VITTER. The FDA position is exactly as the Senator says. They are against reimportation, so they have defined FDA approval on technical grounds to exclude by definition anything that comes in from other countries. The point of my remarks is that these are exactly the same as FDA-approved drugs.

Mr. GREGG. If I could inquire further, that is the essence of the difference. The FDA does not deem them to be exactly the same because the FDA cannot certify their efficacy and safety. That is why the FDA has said that because they are not manufactured here, because they do not have control over the manufacturing process, because they do not know how they have been adulterated or may or may not have been adulterated or how they have been synthesized, they are not going to approve drugs coming into this country. So there is a significant difference between what someone buys overseas and what someone buys in America.

Mr. VITTER. If I could respond, in claiming my time, I disagree with that wholeheartedly.

Yes, the FDA has refused to take any action to do that. Can they? Absolutely, they can. Is it possible to do that, particularly in the modern age of packaging technology? Absolutely.

Most of the drugs we are talking about, in fact, are manufactured either in this country or in the same manufacturing points as the drugs that are bought in this country. So I disagree with the premise the Senator has laid out. But that is certainly the FDA's position, not to attempt to do any of that and to be completely, 1,000 percent opposed to reimportation.

Mr. NELSON of Florida. If the Senator will yield.

Mr. GREGG. If I could ask the Senator a few more questions, then I am happy to yield the floor.

Assuming your hypothetical is correct, that the FDA could reach beyond our borders and could effectively review these drugs, which the FDA claims it cannot do, which is why they said they will not approve this, your amendment says that Customs and Border Patrol shall not be able to stop these drugs from coming across the border.

Customs and Border Patrol does not have any control over the efficacy or

safety of these drugs. This amendment should really be directed at the FDA because to put Customs and Border Patrol in this position means they have to release drugs which the FDA today is saying it does not approve. Yet there is no process for having the FDA come in and be required to approve them under the Senator's amendment.

Mr. NELSON of Florida. Will the Senator yield so this Senator can get in on this conversation?

Mr. VITTER. I am happy to yield to the Senator from Florida, and I am happy to respond to the other points at some future time.

Mr. NELSON of Florida. If I may, this is a matter which can easily be worked out. The questions the Senator from New Hampshire are raising are very legitimate questions. It is a matter that can easily be worked out if the administration is given some direction.

For example, approximately a year and a half, 2 years ago, the Acting Director of the Food and Drug Administration, Mr. Crawford, made it clear to this Senator that the FDA was not going to object to private prescriptions for Americans coming from Canada for a limited supply—such as 90 days for personal use—which is the biggest part of the objection the Senator from Louisiana and this Senator from Florida have, that senior citizens are being prohibited from getting the great discounts they can get either by ordering them from the Internet, by mail, or personally going over to Canada.

If there were an intention to work out this problem, it could be done between all of these agencies that the Senator from New Hampshire is raising.

Mr. GREGG. Mr. President, if I might renew my question, the Senator from Florida may not have been in the Senate when I asked, Does this apply to Internet purchases, and the answer is yes; does it apply to mail order purchases, and the answer is yes; does it apply to countries such as India, Brazil, Pakistan, and the answer is yes. I understand the Senator from Louisiana will modify the amendment to take off a list of countries that it would not apply to, terrorist nations such as Sudan and I guess Cuba.

I renew my question because I am not sure the Senator from Florida was dispositive on it, which is, Shouldn't this amendment be directed at the FDA because to direct it at Customs and Border Patrol means that Customs and Border Patrol will be stopped from basically taking the drug which comes into this country, which FDA has now declared it cannot certify the efficacy and safety of, taking that drug, sending it over to FDA, and having the FDA evaluate it? Customs and Border Patrol has no expertise in evaluating efficacy and safety of drugs. For all we know, the drug that is being ordered over the Internet under the Senator's amendment could be anything. It could be claimed to be Lipitor, but it could be rat poisoning. In fact, recent anecdotal studies have shown something like 80 percent of the drugs coming in through the Internet do not meet the standards they claim they do meet.

So why would you amend this bill to put Customs and Border Protection in the untenable position of having to basically release drugs to come into this country, which the FDA says it cannot claim are safe, when you have not put in the higher regime requirements of having the FDA come in and determine whether those drugs are safe?

Mr. VITTER. Mr. President, I would respond to the chairman by saying that amendment after amendment after amendment has been directed at the FDA to do the right thing and create a sensible regime with regard to this issue, and the FDA is flatout opposed to this and has made no effort in that regard, even though there is clearly the technical capability to do that through packaging technology and the like. So this is an effort to make the entire administration—all aspects that need to be involved—do the right thing.

But to say we have not asked the FDA to do this is ludicrous. We have been trying to drag them—kicking and screaming—to do the right thing for several years now. In fact, while they hide behind these safety arguments, I am afraid they are allowing safety issues to go by unaddressed.

In fact, this practice is common. Whether this amendment goes on this bill, whether this activity of Customs and Border Protection continues, one thing is certain: Seniors will import, for personal use, prescription drugs from Canada and elsewhere. That will go on, to a very significant extent.

Even if this amendment does not pass, Customs and Border Protection will never round up all of those drugs. This is a common and a growing practice because of the price issue.

So the question is: When is the FDA going to wake up and truly address these concerns that the chairman brings up with some sensible regime? This amendment is designed to force them in that direction.

But to suggest we have not asked them to do this, that we are going to the wrong agency, is a little silly because we have been asking them to do this for several years now. And we renew that request now.

Mr. GREGG. If the Senator will yield for one last question, and then, obviously, the Senator from Florida wants to be heard on the subject. But it is not silly because basically the fact pattern that is going to be created—were this amendment adopted and if it became law, without any directive to the FDA they have to step forward and actually evaluate these drugs to see if they meet safety and efficacy standards—the practical effect of this amendment would be that Customs and Border Protection could not stop any drugs coming into this country from other countries. That would include countries such as Pakistan and India and other countries which have some serious issues as to the efficacy and safety of those drugs.

In fact, if I were a creative terrorist, I would say to myself: Hey, listen, all I have to do is produce a can here that says ''Lipitor'' on it, make it look like the original Lipitor bottle—which is not too hard to do—fill it with anthrax and have a bunch of people from the United States order it who might be affiliated with me and import it that way into this country—or anything else they want to use in a biological way.

Here we are telling Customs and Border Protection that their job is to ratchet down on the capacity of terrorists to use entry ports into this country. And what you are saying in this amendment is: You, Customs and Border Protection, are not going to be allowed to evaluate anything that comes into this country which has a seal which makes it look like it is an FDA-type of drug. And the FDA will not have reviewed it. So nobody will have reviewed it.

So I think what you are creating—in your attempt to push FDA into doing something you feel they are not doing that they should do, you have targeted the wrong agency, and you are actually creating a massive hole in our capacity to secure or borders and protect ourselves.

Mr. VITTER. Mr. President, reclaiming my time, let me respond to the chairman's remarks with two comments. First of all, the FDA—right now, today, this hour, as we speak—has all the authority it needs to take any of the actions the chairman has described. It does not need any additional directive or authority. It has that authority. So the suggestion that somehow we need to act toward the FDA to give it that authority before it can move is absolutely not the case. In fact, we have been trying to get the FDA to act in this regard for several years because there are legitimate safety issues that should be met.

Secondly, I compliment the chairman for trying to figure out a scenario in which this is a true top priority of Customs and Border Protection in a post 9/11 world. I just do not think it adds up, though. I do not think, with all the border security and terrorist threats we face as a nation, allowing the Customs and Border Protection agents to continue—to even escalate—their practice of taking away small amounts of prescription drugs from seniors crossing back from Canada, et cetera, is the right thing to do, is a right priority for Customs and Border Protection.

With that, Mr. President, I yield back my time and look forward to the comments from my amendment cosponsor, the Senator from Florida.

The PRESIDING OFFICER (Mr. BURR). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, here is an example. If we want to

solve this problem, the different agencies of the Government can come together and solve this problem. We already have it on the record, in correspondence and telephone conversation between this Senator from Florida and the FDA, that they have no objection to an up-to-90-day supply coming from Canada, ordered by American citizens, either by the Internet, by mail, or by personally going to Canada.

And what about the safety the Senator from New Hampshire has raised? Safety: It is coming from the same drug manufacturers we presently have in America; the very same drug, very same packaging, very same pharmaceutical laboratories. The big difference is our citizens—and particularly this applies to our senior citizens—can get these prescription drugs at a much lower price.

Now, I would encourage the Senator from Louisiana, in order to avoid the attacks on the amendment, as have been raised by the Senator from New Hampshire, to pare down the amendment so that those attacks cannot apply.

The safety issue of prescription drugs coming from Canada cannot be assailed because those drugs come from the very same manufacturers, in the very same places, as those prescription drugs that are, in fact, provided to our American citizens.

Mr. VITTER. Will the Senator yield on that?

Mr. NELSON of Florida. Of course.

Mr. VITTER. I appreciate the suggestion. In fact, we have been talking to the chairman's staff about additional language, which we would ask be added to the amendment by unanimous consent, to create a list of countries to which this cannot apply and would specifically ask the chairman's staff for the appropriate list of countries for us to consider, a list from their point of view.

So we will be happy to work on that and wrap this up before we end this floor debate.

Mr. NELSON of Florida. I thank the Senator.

Upon further examination, with the Senator's staff, I think they will find that in most cases we are talking about citizens from Louisiana, as well as citizens from Florida and any other State, who are ordering these prescription drugs at hugely discounted prices from Canada. So that is the major source. That clearly is the interest of this Senator, as we are looking out for our citizens.

Now, what, in fact, is happening—and this Senator sees it in great abundance because it is no secret the State of Florida has a considerably larger percentage of senior citizens than most States. We like to call it the land called paradise. It is where a lot of people come to retire. Naturally, in their retirement years, they are looking at trying to make ends meet and their budget work.

They thought they were going to get a considerable break on their prescription drugs under the Medicare prescription drug plan. And now a lot of senior citizens are suddenly finding out the drugs are costing them more than they thought they were. And those who are hitting the so-called doughnut hole—that part, once they and the Government have expended $2,250 on drugs in any one calendar year—there is no reimbursement from Medicare all the way up to $5,100.

So our senior citizens are additionally having this concern that they cannot afford the drugs. Therefore, if they want to turn to another source, where they can get prescription drugs considerably discounted, then why should the Government policy not be to allow them to do that? That is the essence of the intent of this amendment.

The Senator from Louisiana has heard from his constituents, as has this Senator. Over the last several months, our offices in Florida have received numerous calls from people who say the cheaper prescription drugs they bought from Canada have simply vanished in shipment.

For example, Mrs. Jacqueline Flick—she is from Coral Gables—relies on Lipitor to help lower her risk of heart disease. She is living on a moderate income. She cannot afford to pay the full price that she would pay at a Walgreens or a CVS. She can get it from Canada and has been. She and her husband have been getting Lipitor for years by ordering it over the Internet from Canada, and she gets it at less than half the price.

Naturally, she was outraged last month when she got a letter from Customs and Border Protection notifying her that they had confiscated her Lipitor. By the way, that letter stated reasons that had nothing to do with her particular case.

I will give you another example. Alex Zeligson is from my home county of Brevard. He is from Palm Bay. He is a patient with emphysema. He requires oxygen. He requires 13 different medications every day, including medication for his heart. A bunch of his prescription drugs from Canada were seized in February.

Naturally, with this going on—and that is just two of many examples. And it has not just happened in the last few months. This has been going on in the State of Florida for the last year and a half. Naturally, these folks are upset.

Over the years, the Government has permitted personal supplies of prescription drugs to be imported from Canada. But without adequately informing the Congress, Customs and Border Protection, last November, implemented a new and stricter policy on personal prescription drug importation.

Last November, this new policy, without informing the Congress, was quietly implemented, until hundreds of complaints from constituents across the country, press reports, and actions by various congressional offices uncovered this shift in policy.

I can tell you that 900 prescription drugs were intercepted in the city of Miami alone. The reason behind this shift remains unknown, but according to documents filed in a court case in Minnesota, there has been illegal and collusive activity to block the imports of cheaper prescription drugs from Canada. Our office has discovered that this new policy resulted in tens of thousands of prescription drug shipments being detained by Customs officials. Customs has admitted to 25,000 prescription drug shipments intercepted; 900 of those were in Miami alone.

Silently implementing a stricter policy without adequately informing the public puts the health of those who have relied on the prompt delivery of prescription drugs at risk. In response to these stepped-up seizures, this Senator from Florida requested the Department of Homeland Security Inspector General to investigate the change in policy. The Inspector General rejected my request. I have asked the Senate Homeland Security and Governmental Affairs Committee to investigate.

Meanwhile, Americans who rely on low-cost prescription drugs from Canada in order to avoid having to make a choice between prescriptions and food are kept waiting. That is why I have joined the Senator from Louisiana in this amendment. I hope he can perfect the amendment so that it meets the objections the Senator from New Hampshire raised. The intent is simply to prohibit Customs from utilizing funds to stop the importation of FDA-approved prescription drugs by American citizens. A similar provision has already passed the House in the Homeland Security appropriations bill. This amendment, as perfected, is going to ensure that Americans, especially the frail elderly or those with debilitating conditions, are going to be able to at least have a chance of affording the medications they need. It is also going to send a clear message to Customs to explain their dramatic change in policy last November. I hope we will get consensus on this, stop fighting this bureaucratic game, and get some relief for our citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I come to support the amendment, recognizing that it is not perfect, but recognizing that it has been offered only because another piece of legislation, which is more comprehensive, dealing only with FDA-approved drugs, bipartisan, a broader group of Senators supporting it, has been blocked consistently. Senator VITTER offers this because it is the only way to get this subject to the floor of the Senate.

It is pretty unbelievable to hear the spirited defense of the pharmaceutical industry. After we passed a prescription drug benefit in the Medicare bill in the first quarter of this year, the pharmaceutical industry increased the cost of brand-name drugs triple the rate of inflation.

I have been before committees on this subject. Senator SNOWE and I appeared before our committee. There was a spirited defense of the pharmaceutical industry there. This is an industry that has some of the highest profits in the world. They produce miracle, lifesaving drugs, yes, but they also produce something else. They produce a pricing pattern that says the American people should pay the highest price in the world for prescription drugs. It is unfair.

The issue is, can American citizens import FDA-approved prescription drugs, some of them made in this country and then sent to Canada or sent to some other country, can U.S. citizens have access to those drugs, drugs that are safe? The only difference between those drugs and the drugs sold here under the same name is those drugs are priced at a much less expensive price.

I ask unanimous consent to show two pill bottles. This is the issue. This is Lipitor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. The same pill, put in the same bottle, made by the same company. One is marketed in the United States; one is sent to Canada. What is the difference? The difference is, the U.S. consumer is told to pay 65 percent more for the same medicine. The same pill made by the same company, FDA approved, sent two places, to U.S. consumers and to Canadian consumers, and the U.S. consumers are told, you pay 65 percent more. Why? Because the drug industry says so.

Myself, Senator VITTER, and others propose that you ought to be able to access those lower priced, FDA-approved drugs from Canada. The pharmaceutical industry doesn't like that. I understand. I understand why they want to maximize profits. The fact is, they say: If you do that and in any way diminish our profits, we will reduce the amount of research we do on new drugs. Isn't it interesting that they spend more on marketing and promotion than they do on research? Maybe they could cut back a little bit on that advertising on television that says: Ask your doctor whether the purple pill is right for you. I don't have the foggiest idea what the purple pill does, but every time I am shaving in the morning I see the commercial: Ask your doctor whether the purple pill is right for you. Maybe we could cut back the bid on that advertising.

We have had commitments to bring this issue to the floor of the Senate. It was midnight when I believed the majority leader gave me a commitment to bring our comprehensive bill to the Senate. We put a provision in the Senate RECORD. The majority leader says he didn't make a commitment. That is not what the words say. I went to a small school, a class of nine in a small town. All of us should be able to read words and understand what they mean. I believed the majority leader. In exchange for my releasing a hold on a nominee, the majority leader made a commitment to bring prescription drug reimportation to the floor of the Senate. He says he didn't.

The fact is, the administration and the majority in the Congress have blocked this. When I say we have a bipartisan bill, I come today to support a piece of legislation offered by Senator VITTER. That is bipartisan. But there are people who have determined they will block legislation that deals with the reimportation of prescription drugs. That is why this is offered to an appropriations bill which is a funding limitation. It is perfectly appropriate to offer this to an appropriations bill.

My colleague asked Senator VITTER a wide range of questions. My colleague has been opposed to reimportation of prescription drugs. He gives as spirited a defense of the pharmaceutical industry as anybody I have heard. I believe we ought to give a spirited defense on behalf of the consumers. Why should American consumers pay double, triple, nine times as much for prescription drugs?

I had a guy sitting on a hay bale at a farmstead meeting we had. He was in his 80s. He said: My wife has been fighting breast cancer for 3 years. We have been driving back and forth to Canada to buy Tamoxifen. That is a medicine he could purchase in Canada for 80 percent less than it costs in the United States. He lived in North Dakota, so they could drive to Canada and bring it back because Immigration has traditionally allowed a limited amount for personal use to come back across the border. But now the FDA, and under Dr. McClellan some years ago and under Dr. Crawford and others, has made it their mission to describe that somehow there is a terrorist threat or there is a contamination of prescription drugs. These are FDA-approved drugs, many of them made in this country and then shipped outside. And the American people are told: You can't have access to them because they are cheaper than the drugs you have to purchase in the drugstore in the United States. That makes no sense.

I am wondering when there will be a critical mass in the Senate to stand up and give a spirited defense of the American consumer. When will that happen? Not soon, I am afraid. That is unfortunate. Perhaps we can ask once again whether we will get a commitment to bring a bill to the floor of the Senate that is bipartisan, that has broad sponsorship. The legislation that I and many others have introduced is legislation that will allow, under a broader range of circumstances, the reimportation of prescription drugs and do so without any safety issues. Perhaps the amendment offered today will stimulate and require that agreement.

No one wants to, in any way, diminish the safety of our prescription drugs. There is nothing in the reimportation of FDA-approved drugs that would, in any way, cause someone to legitimately claim there is a safety issue. That is a specious issue. There is no safety involved here. This is about pricing. It is about whether the American people will continue to be stuck by being charged the highest prices in the world for prescription drugs. Miracle drugs offer no miracles to those who cannot afford them. All of us have heard the stories. I have heard plenty of people going to the grocery store who decide that first they have to go to the pharmaceutical counter to figure out what their prescription drugs are going to cost before they can decide how much they can buy in groceries. We have all heard those stories.

This country has a lot of senior citizens. We are a country of people living longer. That is wonderful. In one sense, we have increased the lifespan by 30 years. Life expectancy has increased by 30 years this century. That means we have more older people. Senior citizens are roughly 12 percent of the population and consume one-third of all the prescription drugs, and they are the least likely to be able to afford them. We have them walking into pharmacies now paying the highest prices in the world. It is not the fault of the local pharmacist. This is the pricing practice of the pharmaceutical industry.

They get all upset when people would tarnish their industry. I am not doing that. Good for them. They produce lifesaving drugs, a fair amount of it with research paid for by the American taxpayer at the National Institutes of Health. We have every right to be tarnishing the pricing policy of an industry that says they are going to charge the highest prices in the world to the American consumer.

My colleague from Louisiana talks about reimportation with his amendment. Let me talk about what they do in Europe. In Europe they have something called parallel trading. We have actually Europeans testify on that. If you are in France and want to buy a prescription drug from Spain, that is not a problem. They have parallel trading. If you are in Germany and want to buy a prescription drug from Italy, that is not a problem. They have run that for a couple of decades, and there are not any safety issues involved. This spirited defense of the pharmaceutical industry, by raising this specious, nonsense issue of safety, is almost unbelievable. It is a Trojan horse for those who want to keep prices high for the American consumer.

Let's have a real debate on the floor, not with a funding limitation. I will support this because it is probably the only way to pry the lid off this issue. But let's have a real debate with the larger bill that we thought had been promised to be debated. Let's decide to stop blocking the ability of the American people to access FDA-approved drugs at lower prices. Let's have the market system work. If the market system works for the big interests, what about the little interests? What about the little guy?

Bob Wills of the Texas Playboys back in the 1930s had a line that applies to

much of what goes on around here: The little bee sucks the blossom and the big bee gets the honey. The little guy plucks the cotton and the big guy gets the money. Isn't that always the way it goes? And doesn't that apply to this issue of charging the highest prices in the world for prescription drugs to the American people?

It is wrong. Everybody in here ought to understand it is wrong. We ought to begin to pry the lid off this issue and fix it. My colleague from Louisiana has offered an amendment. It would not be my first choice, but I will support it. He has offered it, I assume, because it is the only way to get into this issue—this issue being reimportation of prescription drugs—by using a funding limitation to get there. He can do that without requiring 60 votes on this bill.

That is the purpose, I assume, of my colleagues from Louisiana and Florida offering this amendment. I think they, too, would probably prefer that we would get an agreement from the majority leader to schedule a time for debate on a larger bill, but that has not been the case. As a result, we will consider this issue and debate this issue now for some while.

I will at some point during the deliberations on this appropriations bill ask by unanimous consent that we bring up S. 334 before the August recess and debate that bill. In the meantime, I will be here to offer support to those who are trying to pry the lid off this issue by offering a funding limitation bill, and between coming over to the floor of the Senate, I will watch the proceedings of the Senate on a television set and be entertained by the spirited defense of the pharmaceutical industry by some of my colleagues offering excuses for supporting the highest prices in the world for prescription drugs being charged to the American people, a position that is highly unsupportable, in my judgment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Dakota raised a few issues, some of which are actually subject to rule XIX. I did not make the point, but I probably should have.

The fact that under this regime one would be able to set up a process where people could ship drugs into this country which would not be reviewed by the FDA and would not be stopped by Customs and Border Patrol is not an issue of defending the drug industry. It is an issue of making sure that the person who gets that drug is actually getting what they paid for, is getting something that is safe, and that this process has not blown a gaping hole in our capacity to develop adequate security for people who might want to ship into this country biological agents which could kill thousands of Americans.

This amendment, as it was originally offered—and I just asked reasonable questions. I didn't make allegations of purpose, as was the representation of the Senator from North Dakota. This amendment, as it was originally offered, would have allowed drugs to come into this country through the Internet which would not have been reviewed by the FDA. We wouldn't know where they were manufactured, whether the label that claimed it was one drug was accurate to what was in them. It would have simply said that Customs and Border Patrol could not stop those drugs from coming into this country.

It is pretty obvious that under this amendment as it was originally drafted, there were serious health risks for the people who were receiving those drugs. FDA wasn't going to review them, and Customs and Border Patrol was not going to be able to stop them. Think about that. A drug produced in some kitchen in Indonesia could be put in a bottle that was made to look like an American product, purchased over the Internet on an alleged Canadian site, and shipped into the United States, and the person who got those drugs would take them. There was a lot of anecdotal evidence when we had this bill before our committee that said most of the drugs that were coming in over the Internet were not as represented and some of them were actually poison.

In addition, of course, there is the very serious concern of national security. Maybe the Senator from North Dakota doesn't believe it is a concern. Maybe he only thinks big drug companies are the people who are being protected when the FDA determines whether a bottle of Lipitor is really Lipitor coming from Pakistan or Afghanistan. I don't. I happen to think the people who are being protected when that bottle comes into this country are the people who are getting it and the public at large if it has an agent in it which would basically kill people.

There is no question at all but that if I were a creative terrorist—I wouldn't even have to be all that creative—I could fill hundreds, thousands of alleged prescriptions with anthrax, ship them to my cohorts in the United States, and then let my cohorts do with that anthrax as they wished, or other agents which would be even more violent and more communicable.

There is a reason why we have the safest drug delivery system in the world, why people, when they go into the local drugstore, have absolute confidence that what they are buying is what is on that label. It is because we have the FDA policing the industry and making sure that as it is manufactured, labeled, and delivered, it is what it says it is. This amendment, as it was originally offered, did not accomplish that. For the Senator from North Dakota to come down here and allege people who might oppose it do so because they simply wish to carry the water of big drug companies is a discredit to those of us who are trying to address the issue of safety for the American people, not only on specific drugs that are delivered to them but as this bill is supposed to do on our homeland security.

So let's move on to the specifics. I understand the Senator from Louisiana has a modification to the amendment that is going to basically limit it to Canada, and it is going to make sure it is structured in a way that conforms with the Cosmetic Act. I congratulate him for that modification. I appreciate him being responsive on that point. It will dramatically improve this amendment.

There is still the issue out there that has to be addressed of, if Customs and Border Patrol is charged with not looking at this stuff which is going to come in from Canada, who is going to look at it?

I have a bill which actually accomplishes this, by the way. It says FDA will have the authority to go into these foreign countries—and if you limit it to Canada, it will be very manageable—and will have the money and resources—it is more a resource issue, the Senator from Louisiana is correct. It is not really an authority issue. What they need is money to review the distribution process.

Under my bill, what would happen is a Web site would have to have FDA-certifiable approval. In other words, if you went to a site from which you can allegedly buy Canadian drugs, FDA would have reviewed that Web site, reviewed the people who are selling through that Web site, reviewed the product coming through that Web site, and the Web site would receive something like a Good Housekeeping seal on it which couldn't be forged and which would basically be monitored, so that when you were buying off a Web site from Canada or directly from Canada by mail order or going into a Canadian pharmacy, you would know that the product was what it said it was and FDA had actually reviewed it.

That is a very doable event. It takes a regime. It takes money. All that is actually going to have to be grafted on top of this amendment to make the amendment work. It is too complex to do at this level. However, if the Senator from Louisiana is going to modify his amendment, my representation would be that when we get to conference we will not take the amendment or, alternatively—which would be my druthers—put this modification on top of it which is the language I developed relative to giving FDA the regime authority and the financial authority to monitor Canadian-delivered drugs.

I understand the Senator may move in that direction. If he does move in that direction, I congratulate him and thank him for making such a constructive change in his amendment. I appreciate it. We will proceed from there.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4548, AS MODIFIED

Mr. VITTER. Mr. President, at this point I would like to revise my amendment with the language which is at the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment (No. 4548), as modified, is as follows:

On page 127, between line 2 and 3, insert the following:

SEC. 540. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Food, Drug, and Cosmetic Act.

Mr. VITTER. Mr. President, as modified, as the subcommittee chairman indicated, this will limit the effect of the amendment to transactions involving Canada only.

Having done that, let me close with a few remarks. First, I appreciate the offer and the commitment of the Senator from New Hampshire to work on this issue because, in fact, if he truly has these safety concerns he was outlining—I tend to think the nature of some of these scenarios he outlined were overly dramatic and not very well grounded in reality, but if he thinks these scenarios are accurate, then we need to act. The FDA needs to act today because even if my amendment is defeated—and I am very hopeful it will not be; I am very hopeful it will get a resounding vote on the Senate floor—even if it is defeated, these transactions are going on every day in the thousands.

The Senator knows that Customs and Border Patrol will never stop all of these personal-use medicines from coming into the country. So this is going on every day, thousands upon thousands of cases a day. Therefore, if there are safety issues involved—and there are some—the FDA needs to act now and we need to act now to put a regime in place.

Unfortunately, many of us, including myself, including the Senator from North Dakota and others, have tried over and over and have been blocked procedurally from moving that type of legislation to the Senate floor. That, as the Senator from North Dakota indicated, is what provoked this amendment. But I welcome the offer and the commitment of the Senator from New Hampshire to work in conference to put a full-blown regime together with regard to reimportation, and I welcome us bringing, either through this vehicle or through a stand-alone measure, this important debate to the Senate floor.

There are some safety issues, but those issues exist even if my amendment is defeated. Those issues exist because those transactions are going on every day, and they are growing in number because of the huge price disparity between the cost of drugs in the United States and the cost of those same FDA-approved equivalent drugs in places such as Canada.

Defeat of this amendment will not take care of those issues. The only thing that will take care of those issues is action, long overdue action by the FDA—and they have the authority now—or action by us in the Congress to put together an entire reimportation regime. I look forward to doing that. It is long overdue. It is important because of the very safety issues the Senator from New Hampshire outlines. It is also important because of the tremendous price pressure our constituents are under because we, unfortunately, labor under the highest prescription drug prices in the world, even though we offer the manufacturers the largest marketplace for those very same drugs in the world.

I yield back my time and look forward to the adoption of this amendment.

Mr. GREGG. Will the Senator yield for a question?

Mr. VITTER. Absolutely.

Mr. GREGG. We are checking with the Democratic side, but if the Senator is agreeable, the Senator from North Dakota is going to speak for half an hour, and at the conclusion of his speech, I suggest we go to a vote, if the Senator from Louisiana wishes to have a recorded vote, or we can accept the amendment.

Mr. VITTER. I do wish to have a recorded vote.

Mr. KENNEDY. Mr. President, I support the Vitter amendment to stop the Customs and Border Protection agency from using its funds to block the personal importation of prescription drugs from Canada that comply with requirements of the Federal Food, Drug, and Cosmetic Act. We all know that drugs distributed in Canada are as safe and effective as drugs distributed in the United States.

Each of us has constituents who obtain prescription drugs from Canada. The reason is obvious. They are tired of being gouged by exorbitant U.S. prices for their medicines, when the identical drugs are available in Canada at half the price and are just as safe. Drugs from Canada are certainly a better choice for hard-pressed patients than cutting their U.S. pills in half or taking them every other day to make them more affordable or not taking needed drugs at all.

Innovative senior citizens first alerted the Nation several years ago to the opportunity available in Canada by organizing bus trips across the border from many of our Northern States.

In Massachusetts, the city of Springfield began using Canadian pharmacies to provide drugs for its city employees and retirees. Springfield's example led the way for other city and State governments across the country to do the same. The Internet revolution vastly expanded the opportunity by enabling patients across America to go to Canada on the internet and save thousands of dollars a year on their prescriptions.

The administration should not be using the Customs agency to block patients from getting safe drugs from Canada. Yet recently it has been using the Customs agency to avoid a current requirement that the Food and Drug Administration give special notice to a patient if it detains the patient's imported drug at the border. This amendment should stop that abuse, but this amendment is not the real answer on importation. It is time for Congress to allow safe imports from Canada—and from other developed countries, too.

S. 334, the Dorgan-Snowe drug importation bill, will do this, and the Senate needs to act on this bill. Patients will be able to import drugs from exporters in Canada who are registered with FDA and regularly inspected by FDA. Wholesalers and pharmacies will be able to import drugs from other developed countries if they register with FDA and agree to regular inspections by FDA. The imported drugs will fully meet FDA standards for approval and will have FDA-approved labeling.

S. 334 also prevents drug companies from blocking imports, as several major drug companies have been doing to shut down the rising tide from Canada.

The high price Americans pay today for prescription drugs is unacceptable and unfair. The bipartisan Dorgan-Snowe importation bill is a practical solution to bring drug prices down for patients at no risk to the safety of our drug supply. That is the measure we should have voted on today, but our Republican leadership keeps denying us a debate and a vote on that needed bill.

Mr. GRASSLEY. Mr. President, I wanted to take a moment to note my vote for the amendment offered to H.R. 5441 by Senator VITTER. Senator VITTER's amendment would prohibit the U.S. Customs and Border Protection from using funds to prevent individuals from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act, FDCA.

The strong support demonstrated today for Senator VITTER's amendment reemphasizes the importance of the issue of allowing Americans to import prescription drugs.

I have long advocated allowing American consumers access to safe drugs from other countries. In 2000, 2002 and 2003 I supported amendments permitting reimportation of prescription drugs from Canada. In 2004, Senator KENNEDY and I offered bipartisan legislation to authorize reimportation. And, last year, I introduced a reimportation bill with Senators SNOWE, KENNEDY, DORGAN and others. Our bill, S. 334, the Pharmaceutical Market Access and Drug Safety Act, permits the importation of prescription drugs and includes very important safeguards to help ensure that those drugs are safe and obtained from legitimate pharmacies. I look forward to continuing to pursue Senate passage of our comprehensive,

bipartisan bill. Allowing importation will increase competition and keep the domestic pharmaceutical industry more responsive to consumers.

Senate approval of the Vitter amendment represents another development in an ongoing effort to help reduce the cost of life-saving drugs for American consumers. We need to do more to foster competition by allowing imported medicine and to make sure that those prescription drugs are safe. S.334 should be the next step on this issue.

Mr. BUNNING. I would like to explain my opposition to amendment No. 4548 to the fiscal year 2007 Homeland Security appropriations bill. This amendment would prohibit the U.S. Customs and Border Protection from preventing an individual not in the business of importing prescription drugs from importing an FDA-approved prescription drug. I oppose allowing uninspected pharmaceuticals to be imported into the country.

I understand some prescription drugs are expensive, and many Americans struggle to afford their medications. That is why Congress passed a bill in 2003 to create a prescription drug benefit in Medicare. The drug program has greatly reduced the amount seniors spend on prescription drugs. This Medicare prescription drug bill also includes several provisions aimed at reducing the cost of pharmaceuticals, specifically by getting generic drugs to the market faster. These are important changes aimed at reducing costs for everyone.

I have concerns about the safety of bringing prescription drugs into the United States from other countries without meeting the safety criteria currently in law. Under the current system, Americans can feel secure when they purchase pharmaceuticals in this country. They know the pills they are taking are safe and effective and that they have been approved by the Food and Drug Administration, which uses some of the highest approval standards in the world. Congress should not put the safety of our pharmaceutical supply in the hands of a foreign government which may not recognize counterfeit or expired medicines or may not have the same safety standards that we do. The last thing we want to do is to undermine the integrity of our drug supply.

In fact, in December of 2005, a Food and Drug Administration operation found that nearly half of the imported drugs FDA intercepted from four selected countries were shipped to fill orders that consumers believed they were placing with ''Canadian'' pharmacies. Of the drugs being promoted as ''Canadian,'' based on accompanying documentation, 85 percent actually came from 27 countries around the globe. A number of these products also were found to be counterfeit.

I believe this amendment will put our Nation's drug supply at risk and it is not even necessary. As this year goes on, more and more seniors are getting excellent and affordable coverage under the new prescription drug plan that we passed in 2003, which means allowing potentially unsafe drugs into our country is an unnecessary risk that we do not need to take.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from North Dakota be recognized for half an hour, that no amendments be offered during his term of speaking and that at the conclusion of his speaking, 2 minutes be equally divided on the amendment of the Senator from Louisiana, that we proceed to a rollcall vote, that the yeas and nays be deemed as ordered, and no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDSESSION BUDGET REVIEW

Mr. CONRAD. Mr. President, I want to thank the managers of the bill for this time allocation. I appreciate it very much. I thank the chairman and the ranking member.

Today is the day of the so-called midsession review in which the administration takes a middle-of-the-year look at our budget circumstances. The President has already held a press conference in the White House, the Budget Director is speaking to the National Press Club, and they are heralding the improvement in the deficit outlook as proof that their fiscal plan is working. That is an interesting spin. That is an interesting way of looking at these facts.

Let me give you what I consider to be the other side of the story, or perhaps it is better described as the rest of the story. The President is saying there has been a $100 billion improvement in the deficit outlook. Well, not really because that is based on his earlier projection that many of us said, at the time, overestimated what the deficit would be, for the very purpose of later this year, when the deficit wasn't that big, to claim great success. That is exactly how things have played out. But if you compare the new deficit projection with what the actual deficit was last year, instead of getting into the projection game, the actual deficit last year was $318 billion. Now they are saying the deficit this year will be $296 billion.

Is this cause for some great celebration? Is this some dramatic improvement in the deficit? I wish it was, but I think people can reach their own conclusion. I think it is a pretty modest improvement over last year's deficit.

At the same time, the thing that is getting no attention is the real threat to our long-term economic security, and that is the debt of the country. And the debt increase last year was $551 billion. With these new numbers this morning, the debt this year will increase by $593 billion. So the amount of the debt increase is actually growing. The debt is getting bigger, and it is getting bigger than it was last year. That is even with these new numbers. This is almost a $600 billion increase in the debt.

The White House is saying: Well, there has been this dramatic improvement in revenue, and that proves that if you cut taxes, you get more revenue. No, that is not what it proves. I wish it would prove that because then we really would have the tooth fairy working for us. That would be great. Wouldn't it be wonderful? You cut taxes, you get more money. But here is what has happened. Here is the historical record.

In 2000, revenue, as a percentage of gross domestic product, was about 21 percent. It is true that this year we are getting an increase over last year's revenue, but it is still way below what it was back in 2000. If you look at it on an inflation-adjusted basis, you look at the revenues that we have received, you adjust it for inflation, what you see is now, in 2006, we are getting back to the revenue we had in 2000. So in 2000, we had over $2 trillion in revenue. We had massive tax cuts in 2001 and revenue went down. In 2003, revenue went down some more. We had another big tax cut. Revenue stayed down for 2004 and 2005. Now, only in 2006, are they projecting that revenue will go beyond what it was in 2000.

This is not proof of the theory of the tooth fairy that if you cut taxes, you get more revenue. In fact, if you look at individual income taxes, where most of the tax cuts have been, you see—and this is not adjusted for inflation; this is in nominal terms—we had $1 trillion of individual income tax revenue in 2000. You can see every year after that: 2001, 2002, 2003, 2004, 2005, every one of those years we had less revenue than we had all the way back in 2000. It was not until this year that they are now projecting that we will have somewhat of an increase over the level of revenue in 2000.

If one wants to talk about projections, if you go back to their projections in January of 2001, they said this year we would have $2.7 trillion of revenue. Instead, we are going to have $2.4 trillion in revenue. So we are far below what they projected back in 2001.

This is from the New York Times of July 9:

> Revenues are still below historical norms. One reason the run-up in taxes looks good is because the past five years looked so bad. Revenues are up, but they have lagged well behind economic growth. Compared with the size of the economy, tax revenues are still below historical norms and far below what the administration predicted as recently as 2003.

''Far below.'' This is not this magic supply-side epiphany that some are now claiming today. In fact, if one looks at the debt, the increase in the debt, here is what one sees. When President Bush took office at the end of his first full year—because obviously he is not responsible for the first year; he is inheriting a budget—at the end of his first full year, the debt was $5.8 trillion. At the end of this year, they are now saying it will be $8.5 trillion. And in 2011, they are now saying the debt will reach $11.5 trillion. This is an explosion of debt, and they are claiming great success. Excuse me. This is a

great success? What would a failure be? They will have doubled the national debt.

When we look at foreign holdings of U.S. debt, here is what we see. It took 42 Presidents—all these Presidents pictured here—224 years to run up $1 trillion of external debt—U.S. debt held abroad. This President has more than doubled that amount in just 5 years. This is a success? I don't think so.

Looked at another way, it is stunning. Here are the world's biggest borrowers. If you look at all of the money that is being borrowed in the world, you see the United States in the No. 1 position. We are borrowing 65 percent of all of the money that is available to borrow. Let me repeat that. The United States is borrowing 65 percent of all of the money that is available to borrow. Look at this. We have the United Kingdom borrowing about 4 percent of what is available; Spain, 7 percent; Australia, 3 percent; France, about 3 percent; Italy, 2 percent; Turkey, 2 percent. And the United States is borrowing 65 percent of all of the money being borrowed in the world. This is not a sustainable course. This is not something that can be continued.

So while the White House is out bragging about their achievements, let's just remember their budget record: Four years in a row of record deficits, debt projected to soar to more than $11 trillion by 2011. They have more than doubled foreign-held debt in 5 years. There is very little real revenue growth since 2000. Revenues in 2006 are still far below original projection. And every penny of Social Security surplus is projected to be spent on tax cuts and other things over the next 10 years. Again, $2.5 trillion of Social Security money is going to be spent on other things. On the other hand, they say there is a big shortage of Social Security? Well, they are helping to create it.

A new budget process proposal has been made by our friends on the other side that would circumvent Social Security protections and fast-track a Social Security privatization plan. They have repealed and increased the spending caps for next year that they put in place last year. They have come out with a big, new plan, more spending caps, more budget points of order, but they just repealed the spending caps they put in place last year. Now we are told they will not have a budget this year at all. The country simply will not have a budget.

The Comptroller General of the United States has warned that the budget outlook is getting worse, not better. This is what he said: Our problem is our large, long-term deficit, and the sooner we deal with that, the better.

Walker, the Comptroller General, warned of a false sense of security: ''We're in much worse shape fiscally today than we were just a few years ago.'' He said this on July 11.

Mr. President, the Comptroller General is telling the truth. Our budget situation is not getting better; our budget situation is getting much worse.

Here is what is happening to the debt. You didn't hear the President mention anything about the debt. They don't want to talk about the debt because the debt is exploding. The debt is going up, up, and away. And this is before the baby boomers retire. If the budget were to pass that has gone through both Houses of Congress—which we are now told is not going to pass, we are not going to have a budget—if it were to pass, they would add $3 trillion to the debt over the next 5 years. It is simply stunning.

The former CBO Director who, by the way, was an economic adviser to the President before he was CBO Director, said this: ''The long-term outlook is such a deep well of sorrow that I can't get much happiness out of this year,'' said Douglas Holtz-Eakin, a former Director of the Congressional Budget Office and a former White House economist under President Bush. He is telling the truth.

This notion that there has been some dramatic decrease in the deficit just misses the fact. The fact is the deficit last year—the actual deficit—was $318 billion. Now they are forecasting it is going to be $296 billion this year. That is not some great improvement. That is an improvement, but it is very modest.

At the same time the deficit is getting a little better, the debt is getting a whole lot worse. Last year, the debt increased by $551 billion. This year, the debt is going to increase by $593 billion.

All this happy talk today from the administration about how great things are reminds me a little of somebody holding a press conference to brag about the new lifeboats on the Titanic. Yes, it is a nice thing that the deficit numbers are a little better, but it misses the larger reality. The larger reality is this ship of State is in deep trouble. We are in an ocean of red ink, and nothing substantial is being done about it under this administration. Instead, the debt is growing and growing dramatically.

Even with these new numbers, that is what is happening to the debt of our country. It is skyrocketing, and it is skyrocketing at the worst possible time—before the baby boomers retire. Remember, the baby boomers are going to start retiring—the leading edge—those eligible for Social Security, in 2008, and we are going to leave them a legacy of debt unprecedented in our Nation's history.

The President does a disservice to the country, as do members of his administration, when they talk about the fiscal circumstance dramatically improving. It is not. It is not. The deficit has improved modestly over the deficit of last year, but the debt is actually growing more rapidly than the debt grew last year. And there is absolutely no relief anywhere in sight. The President and this administration owes it to the American people to come forward with a plan to address this crisis of debt.

Mr. President, I yield back the remainder of my time, and I yield the floor.

Mr. GREGG. Mr. President, it is my understanding that we are going to proceed to vote on the Vitter amendment at 12:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, let me quickly respond to some of the points made by the Senator from North Dakota, whom I greatly admire and enjoy working with on the Budget Committee because I think the context of those comments have to be put in proper form. There is no question but that the revenues of this country dropped significantly at the beginning of this administration. There is obviously a significant argument as to why those revenues dropped. The point that I made earlier, and which I think is very valid, is that coming out of the 1990s we had experienced an explosion of growth, much of which was unsupported. It was called a bubble, the Internet bubble. What is a bubble? That is when people are speculating irrationally—as at the time Chairman Greenspan said, irrational exuberance—irrationally in a way that is basically creating stock, in this instance, which has no substance behind it but is still being sold at a higher and higher price.

That bubble burst. When a bubble bursts, the history of economics is that there is a severe contraction in the economy that is experiencing the bubble. That is what happened to us. We saw a severe recession begin.

We followed the Internet bubble bursting with the attacks of 9/11. That was a huge catastrophe for us as a nation, a vicious attack killing thousands of Americans, but it was also an attack on our economy.

These two events together would have led to a massive slowdown in our economy had not the President had the foresight to reduce the tax rates to a more fair level so that entrepreneurs, people who are willing to take risks, were willing to go out and do exactly that. The tax cuts were put in place, and the tax cuts benefitted everybody who paid taxes. It is hard to do a tax cut to benefit people who do not pay taxes, which seems to be the position of the people on the other side of the aisle. Essentially, the tax cuts benefitted all who pay taxes, but, importantly, it was to create an atmosphere where the entrepreneurs in our Nation, the people who are willing to take risks and as a result create jobs, did exactly that. They were rewarded for being risk takers and job creators. As a result a recession which should have been severe in its slope ended up being shallow.

We are now seeing ourselves coming out of that recession. Now, for 39 months, we have had a very strong recovery, a recovery which is played

down by the other side of the aisle but cannot be played down by the facts—5.4 million jobs created, 39 months of economic growth, some of the strongest growth periods we have had in the post-World War II period, and that has been driven in large part by tax rates which have generated more revenues to the Federal Government.

The theory on the other side of the aisle, and their whole modus operandi for economic activity, is you should raise taxes in order to raise revenue for the Federal Government to meet spending. You can always expand spending because you can always raise taxes. That is basically the philosophy of the other side of the aisle, coined as ''tax and spend,'' or ''spend and tax.'' But the fact is—and it has been proven by three Presidents of both parties—that if you reduce rates to a level which gives people an incentive to go out and be productive, you actually generate more revenue for the Federal Government than if you overtax them.

Why is that? It is human nature. If you say to a person: 70 percent of the next dollar you earn, or 50 percent of the next dollar you earn is going to go to the Federal Government or to the State government or the local government or a combination, a person doesn't have a whole lot of incentive to go out there and take a risk with their money or to work harder to produce that extra dollar. But if you say to a person: We are going to tax you at a fair rate so when you go out and take risks with your money you are going to get a fair return and the Government is going to get a fair return in taxes, then a person is willing to go out and take that risk and do those things that create those jobs.

That is exactly what has happened under the tax laws that President Bush has put in place with the support of the Republican Congress. We have taken those elements of the tax law which are most related to creating economic activity—capital formation, risk-taking activity and thus resulting in job creation—and put those rates at reasonable levels, capital gains being the best example of that. The other side of the aisle wants to raise all these taxes again. What they are unwilling to acknowledge is that by having a fair rate of those taxes, at those tax levels, we have actually generated a huge increase in revenues. If you combine the last 2 years, we have the most significant increase in revenues that we have seen anytime in the post-World War II period for a 2-year period in rate of growth of revenues. It is because there has been an incentive for people to go out and be productive, create jobs, and as a result generate more income for the Federal Treasury.

There is another effect, for example, of the lower capital gains rate which I mentioned earlier today. Not only does it create economic activity. In other words, if you are sitting on some stocks or sitting on a piece of real estate or you have a small family business, you are afraid to sell it because you don't want to pay the Government 30 percent, which was the rate, or 20 percent, which was the rate. Now the rate is 15 percent, and you say: I guess I can sell that asset.

All right, you go out and sell that asset. The Federal Government would have never gotten any revenue from that asset because you were going to sit on it as long as the rates were too high, so by selling the asset the Federal Government got income it didn't expect, by having a fair rate.

But more important, or equally important, you have that cash. You are going to go out and reinvest it in something that is going to produce more money and, as a natural flow of human nature, it is going to be more productive. You are going to get more productivity out of those dollars. What does that do? It creates more jobs. It creates more economic activity which creates more jobs.

And it works. It has been proven to work by President Kennedy, by President Reagan, and now by President Bush. It worked so well that over the last 2 years, the CBO estimated that the revenues from capital gains would be half of what they actually were because they used the static model. They didn't factor in human reaction. So we generated almost $100 billion more revenue just from capital gains than we expected to get as a result of the CBO estimates. That is because human nature inherently, certainly in America at least, is entrepreneurial. It is risk taker and job creator oriented, and people who are risk takers are rewarded for that, and as a result jobs are created.

So we have had this explosion of jobs in America. We have created more jobs in this country in the last 2 years than Europe and Japan combined—I believe is the statistic. Equally important, we have generated huge amounts of new revenues for the Federal Government. That is reflected in the midterm report which came out today and which is so dismissed by the other side of the aisle.

You just can't dismiss the fact that we reduced the deficit by $126 billion, approximately, in 6 months, over what it was supposed to be, what we expected it to be. Why did it come down $126 billion? Because people were paying more in taxes because there was more job activity out there.

Interestingly enough, most of that new revenue came from the highest income taxpayers in America today. In fact, they are paying more in taxes today than they have ever paid, that group of individuals.

But the attitude of the other side of the aisle is, let's just raise taxes again. It doesn't work. It actually reduces revenues if you get taxes too high. What we have to do is control spending. That is why this side of the aisle has been talking about a comprehensive package to accomplish that.

I see the Senator from Pennsylvania is here. I know he wished to speak. We have about 6 minutes. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 4548, AS MODIFIED

Mr. SANTORUM. Mr. President, I rise to speak on the amendment that I understand we are going to be voting on in about 6 minutes. I am not particularly pleased we are voting on this amendment in 6 minutes, that I only have 6 minutes to talk about this amendment on the importation of prescription drugs. I think what we are potentially about to do is something that is very dangerous, something that is a risk to consumers and patients in this country.

We have seen exposes written by newspapers. We have seen reports from the Surgeon General. We have seen reports by numerous government agencies, of the risk associated with drugs coming into this country from potentially dangerous foreign sources, prescription drugs, that are being used by people in this country. There is a profound risk of them being impure, contaminated, and having potency problems. Now we are back here on a quick amendment, and a quick time agreement, and we are going to have a vote on something that I think is life threatening to potentially thousands of individuals in this country.

This is an amendment that says, to my knowledge—I have it in front of me, but I understand it has been modified, and I have not yet seen the modification—that none of the funds in this bill will be made available for the Customs and Border Protection agents to prevent individuals from importing prescription drugs.

I understand it has been modified to say just from Canada. But, of course, how do we know they are from Canada? If a border agent sees a box that says ''from Canada'' or ''FDA approved'' or whatever, does that mean they can't look at it or can't examine it?

This is a very crude attempt to try to get around an issue that we have been debating for a long time, and that is, whether it is safe to allow people to get drugs, from other countries, that do not have the FDA safety and efficacy approvals.

We have huge concern in this Chamber, huge concerns around the United States with drug safety. There is a pill called Vioxx that has a small chance of causing certain side-effects in some individuals. Yet we want to allow importation of potentially dangerous drugs from other countries.

Let's look at the reports of analysis of some so called ''Canadian generics'' seized at the boarder. Experts in drug safety tell us that these drugs often have problems with potency, don't dissolve correctly, or have dangerous impurities. These are potentially dangerous drugs, and the United States Senate wants to say: Go ahead and bring those drugs in, but by the way, we have to take Vioxx off the market if there is even a 1-percent chance of hurting somebody.

Drug importation done this way has a nearly 100-percent chance of hurting

somebody, and we are going to come to the floor of the United States Senate and say that is a good idea because it might save a few dollars.

We addressed this issue for our most vulnerable population. We addressed it for seniors. We passed a Medicare prescription drug bill that is working. It is working very well. It is lowering costs of prescription drugs to our seniors. Providing affordable drugs of quality, FDA approved, we know they are safe, we know they are effective, they are made here in the United States.

We have folks who are going to vote for this amendment who complain night and day about exporting jobs around the world. What do you think this is? When these drugs are made in the United States they are made safe and effective. They are made by American workers. And we know they work for people who need these drugs. We are going to export these jobs to Bangladesh or Ghana or Belize—pick a country—which happens to mark the drug ''from Canada''?

If you write ''Canada'' on there, assume a border guard, just to be safe, will say don't open it because we may be breaking the law according to this amendment.

This is a dangerous piece of legislation for potentially thousands if not more persons who are looking for a cheap prescription and could get a prescription for ineffective treatment, which could lead to more problems, or potentially lethal treatment if there are dangerous side effects from impure drugs.

We should not be voting on this amendment, in my opinion. But the vote has been locked in—without my consent, I might add. What we are to do here—let's not muddy the water—this is not about cheap drugs. We have dealt with that issue for seniors. We have dealt with that issue by putting up huge amounts of money to make sure that our seniors get good-quality, American-made drugs, made by Americans who have good-quality jobs making them. This is about hurting those Americans making these drugs as well as hurting people who are going to be consuming these drugs.

I am not happy, even though I understand we will look at this in conference and it can be striped out in conference. This is bad public policy. This is dangerous to the health of American citizens, and it hurts our economy. It says to a border guard or the Customs Service that is already overburdened, that already has too much of a job to do—how are they going to know whether it is made in Canada or not? How are they going to know whether it came from Canada or not? This is a potentially monstrous problem. This is an enforcement problem. This is going to create huge problems on a number of levels.

I hope Members vote against this. I am going to vote against it. This is not the right way to do this, No. 1, to withhold money from the Border Patrol so they don't do their job. If you want to debate the issue of whether we should adopt Canadian-style drug pricing, fine; let's do that. We did that last session of Congress, and 38 Senators voted to allow Canada to set prices for drugs in America. That is how bad things are, in my opinion, in this Chamber when it comes to this issue.

This country's pharmaceutical industry is the envy of the world. We are the envy of the world for our biotech and pharmaceutical treatments and cures. We discover over 50 percent of the new drugs in the world. We have research jobs. We employ the best and brightest scientists in the world here in the United States. What do we want to do? We want to destroy that. We want to completely go around safety and effectiveness, completely go around the FDA and bring in counterfeit, bogus drugs to let our seniors or let other people use those drugs because it is a political advantage to doing it, to saying we are for cheap drugs. You are for harming people if you vote for this amendment.

I yield the floor.

Mr. GREGG. Mr. President, I understand that the unanimous consent request did not include the yeas and nays. 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.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided on the Vitter amendment, as modified.

Who yields time? The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise in support of this amendment. I thank Senators Nelson and Coburn and others for their support.

This is very simple and straightforward. It will simply say in the post-9/11 world to Customs and border security that they should not be spending precious time and precious resources confiscating prescription drugs from seniors as they come back into this country from Canada. That is the only thing the amendment does. It is only about Canada. It is only about the personal use of prescription drugs. It doesn't involve wholesale, and it doesn't involve large quantities which can be resold in this country. It is only about FDA-approved drugs or their equivalent or what would be FDA-approved drugs if FDA did not define their approval process to specifically exclude drugs from other countries.

I ask for strong support of this very commonsense amendment.

The PRESIDING OFFICER. Who seeks time in opposition to the amendment?

Mr. SANTORUM. Mr. President, the Senator from Louisiana said it only concerns Canadian drugs. Let's take a look at what FDA said when they looked at so-called Canadian generic drugs ordered from a website claiming to sell drugs from Canada.

Where was the website registered? China. Where was the post office address? Dallas, TX. Where was the return address? Miami, FL. Where was the credit card billed? St. Kitts. And where was the phone number listed? Belize. Canadian pharmacies, legal under this new amendment coming in from Canada. Canadian? Really? Where was this stuff made? We don't know. Probably China. Maybe not. Is it FDA approved? Is it licensed? Safe and effective? No, no, no.

This is dangerous stuff.

For U.S. Senators to stand up and say, We have concerns about Vioxx if there is even a 1-percent potential problem for somebody who uses it, but we are going to let drugs come in from God knows where, that are potentially ineffective and deadly, is a travesty.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—68

Akaka	Feingold	Murkowski
Allard	Feinstein	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inhofe	Obama
Bingaman	Inouye	Pryor
Boxer	Jeffords	Reed
Brownback	Johnson	Reid
Burns	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Kohl	Sarbanes
Carper	Landrieu	Schumer
Chafee	Lautenberg	Sessions
Clinton	Leahy	Shelby
Coburn	Levin	Smith
Collins	Lieberman	Snowe
Conrad	Lincoln	Specter
Craig	Lott	Stabenow
Dayton	Lugar	Talent
DeMint	Martinez	Thune
Dodd	McCain	Vitter
Dorgan	Menendez	Wyden
Durbin	Mikulski	

NAYS—32

Alexander	DeWine	Isakson
Allen	Dole	Kyl
Bennett	Domenici	McConnell
Bond	Ensign	Roberts
Bunning	Enzi	Santorum
Burr	Frist	Stevens
Chambliss	Graham	Sununu
Cochran	Gregg	Thomas
Coleman	Hagel	Voinovich
Cornyn	Hatch	Warner
Crapo	Hutchison	

The amendment (No. 4548), as modified, was agreed to.

Mr. THUNE. 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.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOCICH).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007—Continued

Mr. SCHUMER. 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. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that upon the arrival of the Senator from West Virginia, he be recognized to offer two amendments, and that upon the disposition of those two amendments, the Senator from Maine be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. 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. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. BYRD. Madam President, I was just saying as I came in, I saw these young pages here—I have been around here quite a long time, but I haven't gotten used to these. Our country has put a man on the Moon and brought him back to Earth again, but it hasn't yet perfected a really good public address system. A Senator such as myself is not used to the public address system and has to learn how to use the ones we have.

As I was saying, I said the person who really introduced court reporting in the Roman Senate was Cicero, which I will discuss at another time.

AMENDMENT NO. 4557

Mr. BYRD. Madam President, when the President sent his budget to the Congress in February, it was based on a false premise. The President's budget assumed that the Appropriations Committees would raise the aviation fees on airline passengers by $1.23 billion. The President and his advisers at the Office of Management and Budget were aware that the Congress would not approve this tax increase on airline passengers because the administration tried a similar proposal last year, and the Congress responded with a bipartisan no. Thus, the President's budget is kind of a hollow one—h-o-l-l-o-w, hollow. It leaves a gaping $1.23 billion hole in the homeland security budget.

The chairman of the Appropriations Committee, Senator COCHRAN, provided the subcommittee with some additional resources, but the fact remains that this bill is still $515 million below the President's request and $350 million lower than the bill that was passed by the House of Representatives last month.

The amendment I am offering today attempts to rectify this discrepancy. My amendment provides an additional $350 million for border security infrastructure enhancements, and it is fully paid for.

I am pleased that the chairman of the subcommittee, Senator GREGG, is working with me on this amendment. As we continue to hire more Border Patrol agents and other immigration enforcement officials, we need to give them the tools they need to do their job, and we need to start paying for those tools now so they will be available as more and more Border Patrol and immigration enforcement officials are hired and trained.

The Border Patrol needs new helicopters because the average age of its helicopters is nearly 40 years. The average age of our Customs primary fixed-wing aircraft is 30 years. All of our border enforcement officials, including the newly hired officials, need more vehicles, including all-terrain vehicles, high endurance vehicles, and even more buses to transport and remove illegal aliens.

Customs and Border Protection has a requirement for 18 unmanned aerial vehicles, or UAVs. The Senate-passed immigration bill authorizes more UAVs. Yet the only one we had operating on our border crashed in the desert this past spring.

The amendment I am offering provides real dollars for our aging border infrastructure. It provides $90 million for additional fencing, tactical border infrastructure, and facilities. It provides $105 million for air and marine items, such as new helicopters, unmanned aerial vehicles, the standing up of all planned northern border air wings, and the facilities to house and maintain these aircraft. It provides $55 million for replacement vehicles for our border and immigration personnel, and it also provides $15 million for the ongoing Information Technology Modernization Program at Immigration and Customs Enforcement.

The President's budget requested $47 million in direct appropriations for the Business Transformation Program at U.S. Citizenship and Immigration Services. Because of the hollowness of the President's budget submission, these funds were not included in the bill reported out of committee. The program is a multiyear effort to modernize immigration benefits services.

So this amendment will help to reduce the rate of fraud in the program and to ensure the security and the integrity of the immigration system. This amendment provides the $47 million requested by the President for this program.

Finally, my amendment adds $38 million for fraud detection and national security activities at USCIS. This $38 million will add 100 new positions to enable FDNS to conduct benefit fraud assessments of additional immigration benefits, including training efforts necessary to further enhance the background checking process. We must have the technology and trained personnel in place now if we are to ensure that only those individuals who are legally allowed to be in this country are obtaining benefits and other privileges.

How is the amendment paid for? The amendment is fully paid for through increases in existing fees on non-U.S. citizens.

Border security in this country must be more than just a political slogan in this campaign year. Do you know this is a campaign year? I do. I am running. Border security must be one of the Nation's top priorities. The people out there watching through those lenses will agree with that. Border security must be one of this Nation's top priorities.

The United States is on track to hire over 6,500 new Border Patrol agents and immigration enforcement officers. But what happens once they are on the job? Do we send them to the border without weapons, without radios, without trucks and Jeeps? Without this amendment, without these resources, we will be telling our Border Patrol agents in essence to stem the tide of illegal immigration with little more than a polite smile—little more than a polite smile. Asking illegal immigrants to please turn around just won't cut it. Our Border Patrol must have the law enforcement resources to get the job done.

If we are truly serious about securing our borders—and not just engaging in hollow rhetoric—then we will put real dollars on the border. I commend my chairman, Senator GREGG, for his support, and I urge my colleagues to support this amendment.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. GREGG, Ms. Murray, Mr. ROCKEFELLER, and Mr. BINGAMAN, proposes an amendment numbered 4557.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional resources for border infrastructure and program integrity initiatives)

At the appropriate place in the bill insert the following:

TITLE VI

BORDER SECURITY INFRASTRUCTURE ENHANCEMENTS

SEC. 601. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Department against any non-United States citizen by notice in the Federal Register no later than January 1, 2007, to achieve not less than $350,000,000 in additional receipts by September 30, 2007: *Provided,* That the

Secretary may adjust only those fees authorized under the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act: *Provided further*, That this adjustment shall be in addition to fees authorized under 8 United States Code 1356.

(b) Amounts collected under subsection (a) shall be deposited in the accounts as provided by 8 United States Code 1356: *Provided*, That of the total amount collected pursuant to subsection (a) the Secretary shall transfer the following amounts:

(1) $25,000,000 to Customs and Border Protection ''Salaries and Expenses'' for vehicle replacement;

(2) $105,000,000 to Customs and Border Protection ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'' for air asset replacement and air operations facilities upgrades;

(3) $90,000,000 to Customs and Border Protection ''Construction'';

(4) $30,000,000 to Immigration and Customs Enforcement ''Salaries and Expenses'' for vehicle replacement; and,

(5) $15,000,000 to Immigration and Customs Enforcement ''Automation Modernization''.

(c) Of the total amount collected pursuant to subsection (a) $85,000,000 shall be made available to United States Citizenship and Immigration Services: *Provided*, That of the additional amount available, $47,000,000 shall be for Business Transformation and $38,000,000 shall be for Fraud Detection and National Security initiatives.

(d) Amounts deposited under paragraph (b) shall remain available until expended for the activities and services described in paragraphs (b) and (c).

Mr. GREGG. Mr. President, I wish to commend the Senator from West Virginia for this amendment. Everything that he is proposing to fund in this amendment is needed and is critical. There is no question but that the agencies to which he is giving these additional dollars for the purposes of refurbishing both air and vehicle fleets are in dire need of these dollars, as he cited in his statement. The aircraft owned by Customs is 30 years beyond its useful life. Helicopters are averaging 20 years beyond their useful life. The vehicles in which these folks go out to protect our borders often break down and many times they can't fulfill their missions because the vehicles are not up to the capacity that is needed.

So this is a good amendment. It is a needed amendment. I support it. Senator BYRD has found an offset which is a reasonable offset. It increases the fees for non-Americans who seek to use the Immigration Service and the Customs Service—mostly the Immigration Service, I believe. This will not raise blue slip issues. So I am in support of this amendment and urge its adoption.

Mr. President, I ask unanimous consent that amendment No. 4557 be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4557) was agreed to.

Mr. BYRD. Mr. President, I thank my chairman for his support. I ask unanimous consent that further consideration of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4559

Mr. BYRD. Mr. President, the President of the United States, in his January State of the Union Address, told America: ''The enemy has not lost the desire or the capability to attack us.'' He was right. I am sure the President is correct about that. But some of the speech writers and policy writers for the administration seem to be living in alternative worlds.

After the administration's decision to allow Dubai Ports World to operate terminals in six major U.S. ports, the administration asserted that it has a robust, layered security system for our ports. Yet the White House has proposed for the second straight year now to eliminate the Port Security Grant Program.

How serious is the administration about port security when it decides to allow Dubai Ports World to control six major U.S. ports? How serious is the administration when it underfunds port security? How serious are they about port security when Customs and Border Protection inspects only 5 percent of the 11 million containers that come into the country each year? How serious is the administration about port security when the Coast Guard inspects only one-third of the foreign ports that trade with our country? How serious is the administration when the Coast Guard Deepwater budget for replacing its ships, planes, and helicopters will not be completed until 2026? How old will I be then, in 2026? Well, it really doesn't matter. That is 20 years away.

How serious are they when it takes over 11 months to make grant funds available to ports for needed security measures?

My amendment would provide $648 million to fill critical gaps in our paper-thin—paper-thin—do you see how thin this paper is—our paper-thin port security programs. The amendment would provide resources for more container inspection equipment and personnel, more port inspections, more Coast Guard ships, more Coast Guard planes that are essential to securing our borders, and more port security grants.

Currently, only 5 percent of all of the cargo containers entering the United States are physically inspected by opening the containers. Now, this is paper-thin security. My amendment would fund 60 more cargo container imaging machines at our seaports and rail border crossings that can view inside a container. It will also fund the hiring of 354 additional Customs and Border Protection officers to inspect these containers and address anomalies in cargo containers that may be triggered by the radiation portal monitors deployed at the ports.

Currently, the Coast Guard has only 82 inspectors to conduct facility investment compliance at domestic ports and 34 inspectors to review security plans at foreign ports. Of the 144 countries that conduct maritime trade with our country, the Coast Guard has assessed security at only 51. At the current rate of inspections, Coast Guard inspectors will visit countries that trade with the United States only once every 4 years. Now, this is paper-thin security.

Under my amendment, the Coast Guard would complete the assessment of all 144 countries every 2 years. My amendment would also provide the Coast Guard with funding to conduct random spot checks of all domestic port facilities and assess the vulnerability of our most strategic ports here at home.

Domestically, the Coast Guard inspects the 3,064 U.S. facilities that are subject to the Maritime Transportation Security Act regulations just once per year. The Coast Guard has no funding to conduct random spot checks of these facilities. My amendment includes funding for approximately 80 new positions to establish a robust spot check program at each Coast Guard sector office, an important element in any enforcement regime, wouldn't you think so?

The Coast Guard has completed vulnerability assessments at 55 militarily and economically strategic ports. Currently, no funding is available to update these assessments which were completed 2 years ago. But my amendment would allow the Coast Guard to reassess the vulnerability of approximately 10 ports.

The condition of Coast Guard ships and planes is declining rapidly. These assets spend more and more time out of service. For example, total patrol boat hours in 2004 were 25 percent lower than in 1998. Current Coast Guard maritime patrol airplanes can only provide half of the hours required to meet operational commitments. At the same time, funding constraints require maintenance on these aging assets to be deferred more and more every year.

My amendment provides $184 million for the Coast Guard to buy new patrol boats, maintain existing cutters, buy new maritime patrol aircraft, and arm its helicopters for homeland defense in U.S. ports and harbors.

Coast Guard Patrol boats are operating in theater less today than they were in 1998. Total boat hours were only 75,000 in 2004, compared to the 1998 baseline of approximately 100,000 hours. The decline in operational hours has been the result of aging assets and the loss of 8 patrol boats deployed to the Middle East for Operation Iraqi Freedom. Under the Coast Guard's Deepwater modernization plan, this gap won't be closed until 2012 at the earliest. Funding in my amendment would enable the Coast Guard to purchase 2 additional patrol boats for a total of 5 in fiscal year 2007. This will provide the Coast Guard with 6,000 desperately needed Deepwater patrol boat hours in drug and migrant transit zones.

Finally, my amendment includes $190 million for port security grants, which would bring fiscal year 2007 funding to $400 million. The Coast Guard estimates that $5.4 billion is needed

through 2012 for security at our ports. To date, only 15 percent of that amount has been funded despite the fact that United States ports handle over 95 percent of U.S. overseas trade. Last year, Homeland Security was able to fund only 24 percent of the projects requested. This is paper-thin security.

I ask unanimous consent that a letter from the American Association of Port Authorities supporting the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. BYRD. The White House knew, when it sent the budget to the Congress, that the funding relied on a tax hike on air travelers—a tax hike the Congress had already rejected. The Appropriations committees lack jurisdiction to increase the aviation passenger tax, and, of course could not do so in this bill. As a result, despite Chairman GREGG's best efforts, the bill that is before the Senate does not provide the necessary resources for port security. My amendment addresses that shortfall.

Just 2 months ago, the Senate approved my $648 million port security amendment to the supplemental. Regrettably, the President threatened to veto the supplemental unless what he characterized as low-priority spending was dropped from the bill. In conference, port security funding was stricken from the supplemental. I hope that the Senate will approve this port security amendment again and that this time, it survives in conference.

The amendment is within the allocation available to the subcommittee for fiscal year 2006.

The American people expect more than just a paper-thin security plan for our ports. I thank Chairman GREGG for his support.

I thank my illustrious chairman, Senator GREGG, for his support, and I urge the adoption of my amendment.

EXHIBIT 1

AMERICAN ASSOCIATION OF PORT AUTHORITIES,
Alexandria, VA, July 10, 2006.

To: All Members of the United States Senate.

From: Kurt Nagle, President and CEO, American Association of Port Authorities.

Subj: Support Port Security Amendment on the Senate Floor.

As a member of the United States Senate, I am writing to urge you to support an amendment to the Department of Homeland Security's (DHS) FY '07 appropriations bill being offered tomorrow by Senator Byrd to increase funding for port security. This amendment represents a critical opportunity to make port security a higher priority for this nation. The American Association of Port Authorities (AAPA) represents the leading public ports in the U.S., handling most of the maritime cargo imported or exported from this country. We strongly endorse this amendment to provide an additional $635 million to enhance port security by providing: an increase in port security grants, additional port security inspectors at foreign and domestic ports, additional cargo container inspection equipment, and improved maritime security through expedited purchase of Coast Guard planes and boats.

Earlier this year, Congress and this nation focused its attention on the P&O Ports/Dubai Ports World transaction, which resulted in a nationwide debate on port security and calls for more security funding for this critical transportation asset. In response, the Senate and the House began working on legislation to strengthen maritime security. The Senate Greenlane Maritime Security Act (S. 2459—Collins/Murray) and the House SAFE Ports Act (H.R. 4954—Lungren/Harman) both call for significantly more funding for port security. The Senate-based emergency supplemental followed the recommendations in these bills, but much of the port security funding was eliminated due to concerns over the total spending level for the bill.

Senator Byrd's amendment is aimed at once again adopting the funding levels in the House and Senate bills and making port security a high priority for this country. AAPA is especially interested in properly funding the Port Security Grant program. The Byrd amendment would bring the funding level up to $400 million for the year. This would help pay for the very costly new regulations DHS has proposed following the Dubai Ports controversy to require all maritime workers and facilities to comply with new Transportation Worker Identification Credential or TWIC requirements. DHS estimates that 40 percent of the $1 billion cost of this regulation will fall on port facilities. By supporting this amendment, Congress will provide federal funds critical to help co-fund this new mandate.

With 99% of our international cargo by volume flowing through ports, we urge you to show the nation that port security is a priority in Congress by voting ''yes'' on this port security amendment tomorrow.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise again to express my appreciation to the Senator from West Virginia. He has brought forward an amendment which addresses critical needs in port security and Coast Guard retooling. He has paid for it. My druthers were to take the 2006 authorization allocation which we had and allow it to lapse and go to deficit reduction. That was my initial plan. But I have been here long enough to know that if you leave that type of money on the table, somebody else will end up spending it.

It is truly a critical need in the area of homeland security that we address the issues which the Senator from West Virginia has put into his package. The Coast Guard is especially important. An example: The Senator from West Virginia noted that he is going to fund the adding of armament to Coast Guard helicopters. Presently there are about 90 Coast Guard helicopters. Four or five are armed. The four or five that are armed have a 100-percent interception rate. In other words, when a smuggler is headed toward our shores, either with people or with contraband, if the helicopter that tracks them has armament on it, there is 100 percent interception rate. Those helicopters which do not have armament do not have anywhere near that interception rate.

There was an interesting article just a day or so ago in the Miami paper, I believe, about how smugglers are coming in and that the Coast Guard fast boat tried to catch up with the smugglers. They were in a cigarette boat. The cigarette boat turned and was on a course to ram the intercept boats, and the intercept boats called in the armed helicopter and that stopped the confrontation. The smugglers were arrested.

So it is critical that we do this type of upgrading to the Coast Guard. In this bill, we had upgraded 36 helicopters. This will upgrade another 30. We are getting pretty close to the entire Coast Guard fleet or as much as is needed to have that type of armament on it.

In addition, the fast boats are critical, the observation aircraft are critical, and then the whole major thrust toward port security is equally important.

It is a paid-for amendment. It is one that addresses needs that are there, that are obvious. They need to be addressed and were not addressed because of the tight resource situation. But, as usual, the Senator from West Virginia has been creative, and his proposal is not only reasonable but is an improvement of the bill. I am happy to support it.

I know the Senator from North Dakota wants to speak on it.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask that my amendment be called up and the clerk state it for the consideration of the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. GREGG, Mr. KOHL, Mrs. CLINTON, Mr. MENENDEZ, Mrs. MURRAY, and Mr. ROCKEFELLER, proposes an amendment numbered 4559.

Mr. BYRD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for port security enhancements in fiscal year 2006)

At the appropriate place, insert the following:

TITLE VII—SUPPLEMENTAL APPROPRIATIONS FOR PORT SECURITY ENHANCEMENTS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to enhance port security for the fiscal year ending September 30, 2006, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $251,000,000, to remain available until expended.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $23,000,000, to remain available until expended: Provided, That funding is available to accelerate foreign port security assessments, conduct domestic port vulnerability assessments, and perform unscheduled security audits of facilities regulated by

chapter 701 of title 46, United States Code, commonly known as the Maritime Transportation Security Act of 2002.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'' for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $184,000,000 for the Integrated Deepwater Systems program, to remain available until expended: *Provided,* That funding is available to acquire maritime patrol aircraft and parent craft patrol boats, to provide armed helicopter capability, and to sustain the medium endurance cutter fleet.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $190,000,000 to remain available until September 30, 2007: *Provided,* That the entire amount shall be for port security grants pursuant to the purposes of subsection (a) through (h) of section 70107 of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as defined in paragraphs (2), (3), and (4) of subsection (b).

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will be very brief. I come from a landlocked State. We don't have a seaport in North Dakota. But I have taken the time to review some of the activities of seaports and learned a bit about seaports and related that to the issue of security in this new age of terrorism.

I come today to support the amendment offered by my colleague from West Virginia. He has been relentless over some long period of time, being very concerned about seaport security. Let me also commend Senator GREGG as well for his work on the underlying legislation and also for his support of the amendment of Senator BYRD.

I recall going to a seaport and being shown containers that come in, I believe between 5.5 and 6 million containers, stacked on ships that arrive at the shores of the United States. Then they are put on wheels and they are trucked around the country. I asked the question, How many of these containers are inspected? The answer at that point was around 3 percent. I believe now it is something just over 5 percent.

They were showing me, at this particular seaport, a container they had opened. It turned out to be a refrigerated container with frozen broccoli from Poland, and it had in it giant bags of frozen broccoli from Poland. I said, ''What is in the middle of the container? I see you opened the back end and ripped open some bags, and there is frozen broccoli in this container. Is there anything in the middle of these bags?''

''That we don't know. We haven't unloaded it. We don't unload most of these. We don't inspect most of these.''

Then they showed me the technology that exists by which they could inspect, effectively x-raying these containers. So there are ways to enhance greater inspection of these containers at seaports.

Even though my State doesn't have a seaport, we in the Senate debate and provide funding now of about $10 billion a year for the antiballistic missile system so we can create a catcher's mitt in case some rogue nation or some terrorist group would fire an intercontinental ballistic missile at us that is tipped with a nuclear bomb. The likelihood of that is very unlikely. It is one of the least likely things on the threat meter against our country, that a rogue nation or terrorist group would acquire a nuclear weapon, put it on top of an intercontinental ballistic missile, and have the means to launch it at our country, but we spent about $10 billion to try to find a way to provide a catcher's mitt and intercept a bullet, with a bullet traveling at 18,000 miles an hour.

A much more likely scenario to threaten this country will be a ship pulling up to the dock of a major American city at 3 miles an hour with a load of containers on board, one of which may contain a weapon of mass destruction. That has been my concern.

I think we have done a lot of work to try to extend the envelope and extend the line of protection, going actually to other countries. That is included, in addition, in this amendment—to have inspectors overseas at the point of departure for some of these container ships and so on. But there is so much more we must do if we really are going to assure ourselves we are not going to allow, coming in at 2 or 3 miles an hour, some large ship carrying containers, one of which—out of some 6 million—one of which could threaten to blow up a major American city. That is the reason for being concerned about port security. It has the purpose of going the extra mile and making the extra investment to make sure that we can feel as if we have done everything possible to provide security at America's seaports.

Let me again thank my colleague from West Virginia. As I said, he has been relentless. He has been on the Senate floor many times. I have tried to come and be supportive when he has offered these amendments because I feel so strongly about it. And let me again compliment Senator GREGG, the chairman of the subcommittee, for his work and also for accepting this amendment.

Mr. BINGAMAN. Mr. President, I speak on behalf of an amendment being offered by Senator BYRD which would enhance funding for border security infrastructure. I am pleased to be a cosponsor of this important legislation, and I thank the Senator from West Virginia for his hard work on this important bill.

The amendment would provide an additional $350 million for critical border security needs. The amendment would allocate $105 million for customs and border protection to purchase new Border Patrol replacement helicopters, fixed wing aircraft, and additional unmanned aerial vehicles. And $25 million is added to the bill to purchase approximately 540 additional replacement vehicles for the Border Patrol.

The amendment would also provide an additional $90 million for tactical infrastructure. This funding can be used to construct vehicle barrier, fencing, and facility upgrades. This funding will be of great assistance to the state of New Mexico, where such upgrades are needed to secure our border. The underlying bill allocates about $57 million for tactical infrastructure in Arizona and about $30 million for San Diego. However, the El Paso Sector, which includes the entire State of New Mexico, is only provided about $7.5 million. The additional $90 million under this amendment will help ensure that New Mexico receives the resources that it needs.

The amendment would also prove $30 million for ICE to purchase 800 vehicles, including buses and vans, used to transport undocumented immigrants. And USCIS is allocated $38 million to enhance fraud detection systems.

These additional resources are greatly needed and I urge my colleagues to support this important measure.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from North Dakota. There is some irony in that, although neither the Senator from West Virginia nor the Senator from North Dakota has a port, unless Harpers Ferry is considered a port, they would be putting forward this concept. It is a good concept.

I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4559) was agreed to.

Mr. DORGAN. 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.

AMENDMENT NO. 4560

Ms. COLLINS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, Mr. LOTT, and Mr. CARPER, proposes an amendment numbered 4560.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under Text of amendments.)

Ms. COLLINS. Mr. President, our amendment would strengthen the capability, stature, and effectiveness of the Federal Emergency Management Agency. The language in the amendment is largely drawn from S. 3595, the United States Emergency Management Authority Act, which we introduced in this Chamber 2 weeks ago. We believe this is the appropriate time and the right vehicle for improving our Nation's emergency management system.

The wounds of Hurricane Katrina are still fresh. A new hurricane season is upon us, and the recent news on the law enforcement and military front reminds us that the terrorist threat to America continues. Bitter lessons have been learned from the experience in responding to Hurricane Katrina, but they have not yet been applied. The time for action is now.

The amendment reflects the Senate Committee on Homeland Security's 8-month investigation into the failed preparations for response to Hurricane Katrina.

As the Presiding Officer is well aware, the committee conducted an extensive and exhaustive investigation. We held some 23 hearings at which nearly 90 witnesses testified. We formally interviewed 325 individuals, and we reviewed some 838,000 pages of documents. We distilled all of this into a comprehensive report with many recommendations for improving the response at all levels of government.

Some of these recommendations have to do with how the Federal Government should be organized to effectively respond to future disasters, whether they are manmade or whether they are natural ones such as Katrina. These recommendations have been distilled in part in USEMA legislation that forms the basis for this amendment.

I note that this is the first step in implementing the committee's comprehensive recommendations. We will be introducing a subsequent bill to implement other findings and recommendations. Most significant will be a package of reforms to the Stafford Act, but that is not what we are proposing today. The amendment before us today has four key features. It seeks to restructure, reform, and strengthen the Federal Emergency Management Agency, FEMA, which we would rename as the United States Emergency Management Authority.

The four key features are as follows: First, it would give this new authority statutory protection against administrative actions that could diminish its capabilities and effectiveness, such as department-wide reorganization that could strip essential functions away from the new agency.

Second, it would ensure that the administrator has direct access to the President and serve as his principal adviser on emergency management issues.

Third, it would reunite preparedness functions with response capabilities. After all, preparedness and response are really two sides of the same coin. I believe it was a mistake when the Department decided to strip FEMA of its preparedness functions.

It would reestablish the agency's comprehensive responsibility and restore a full range of work relationships with State and local government, the essential partners in emergency response.

Fourth, the amendment would strengthen the new authority's regional focus.

I know that as a former mayor the Presiding Officer has a special appreciation for just how important it is for the Federal Government to work closely with State and local governments. That is an issue that he has brought up throughout this investigation.

We would create Federal strike teams that have representatives from all the agencies that are involved on the Federal side of the response. They would be located in regional offices to foster cooperation, coordination, and joint training with State and local emergency managers and with first responders.

A crisis, whether it is due to a hurricane, an ice storm, or a terrorist attack is the last time that people should be exchanging business cards. We should make sure the Federal, State, and local governments are training together, planning together, exercising together; that they know one another; that they know the culture, the capabilities, and the essentials.

The overarching objective of the amendment is to strengthen FEMA which, as I pledged, we would propose to rename as the United States Emergency Management Authority. The new name signals a fresh start for FEMA with new authority, including some authority that it has never had before over critical infrastructure, for example. It signifies new capabilities and new responsibilities to all-hazards emergency preparedness and response. And, surely, those of us who investigated for some months the failed response to Hurricane Katrina, as well as anyone who followed the issue peripherally, can have no doubt that FEMA urgently needs to be restructured and reformed to be more effective.

Part of this help entails giving the new people a special legal status within DHS. Our amendment's prohibition against further departmental reorganization of this agency and mission alterations affecting the authority will give USEMA exactly the same kind of protection that has already been extended to the Coast Guard and to the Secret Service.

This is something completely new. We paralleled the kind of protection, the distinct legal status that is given to the Coast Guard and to the Secret Service. I know the Coast Guard was the stellar performer in the response to Katrina. The Coast Guard, by all accounts, did an exceptional job in its preparedness and response, yet as part of the Department of Homeland Security.

I think those who think the answer is to sever FEMA or the new agency from the Department should take a hard look at the Coast Guard's experience. But in looking at the Coast Guard, I think we can also learn that it benefited from having this legal protection, and we would extend that to the newly constituted FEMA.

This protection will help achieve congressional intent that DHS be the focus for comprehensive, all-hazards Federal preparation and response to disasters.

When the Hart-Rudman Commission on National Security in the 21st Century memorandum recommended just 5 years ago a new approach to homeland security and that America establish a single department to plan, coordinate, and integrate homeland security operations, it called FEMA the necessary core of that new department. To that end, USEMA, like FEMA, needs to be a part of the DHS structure. That analysis has been confirmed by experience.

Admiral Allen of the Coast Guard explained at one of our hearings that having FEMA and the Coast Guard in the same department leads to certain synergies that do not otherwise occur, and that led in particular to a 350-percent increase in joint training exercises. That is the kind of integration that we need more of.

More generally, keeping key capabilities within a single DHS umbrella permits faster communication and response than a more formal and bureaucratic procedure required for interdepartmental requests from a setting within DHS. However, FEMA needs to have far better lines of communication.

I know the Presiding Officer was as shocked as I was to hear the former head of FEMA, Michael Brown, talk about circumventing the chain of command within the Department and his failure to order critical commodities, to order the buses, to communicate just how dire the situation was in Louisiana.

We want to make sure that we improve those lines of communication, both within the Department and between the Department and the White House and other agencies. That means giving the administrator more status.

We would upgrade the administrator so he is the equivalent of a Deputy Secretary. That gives him more clout and more stature in dealing, for example, with the Department of Defense and other departments that play important roles in responding to a disaster.

We designate the administrator of USEMA the principal adviser to the President on matters of emergency management. And we adopt a system that for the Pentagon has worked well in outlining the reporting responsibilities. We parallel the relationship between the Chairman of the Joint Chiefs of Staff to the President. So there is both a reporting relationship to the Secretary of Homeland Security, and yet the new administrator would be the principal adviser to the President on emergency management.

In addition—I think this also responds to a key weakness that our intensive investigation revealed—the administrator would be authorized to give recommendations directly to Congress. The administration would have to make sure he informs the Secretary of what he is going to say, but there is a direct link, a direct line of communication.

I know the Presiding Officer recalls that Michael Brown claims he was stifled in reporting to Congress. We don't know for a fact whether that is an accurate statement. But we put in reforms to ensure that the administrator has the ability to communicate his recommendations, his needs, his findings directly to Congress.

Our amendment, as I indicated, specifically rejects the notion that FEMA should be cut off of DHS and made a freestanding agency. The DHS needs FEMA's capability. What would happen if FEMA, a weak FEMA, were cast alone is that DHS would have to recreate many of the capabilities that FEMA has at great cost, at great duplication of effort. What we would end up having is one agency that deals with natural disasters and another agency within DHS that deals solely with disasters resulting from terrorist attacks. That makes no sense whatsoever.

Many of the challenges in the aftermath of a catastrophe, whether it is manmade or natural, are exactly the same—sheltering people, getting them food and water, an evacuation plan.

It also makes no sense from the perspective of State and local governments. We don't want them to just deal with one agency if they are planning for a natural disaster and another agency if they are planning for a terrorist attack since many of the challenges are identical. Just think, if the levees had been blown up by terrorists rather than breached by Hurricane Katrina, many of the challenges would have been exactly the same. There just would have been a stronger law enforcement component.

It is a mistake, in that the Coast Guard's stellar performance proves it is a mistake, to think the location of FEMA is the cause of the problems. Even if that duplication were cost free, a virtual impossibility, the Secretary of the Department estimates it would cost billions of dollars to duplicate the necessary capabilities within DHS if FEMA were separated. Even if that were possibly cost free, it would be destructive. Divided preparation and response systems would force State and local officials to have to engage one to prepare for natural disasters and another for terror attacks.

As one of our committee's expert witnesses, Professor Donald Kettl of the University of Pennsylvania, said: Separating response to terrorism from response to natural disasters, separating preparedness from response, separating FEMA from DHS, would inevitably bring problems.

I agree with the professor. This is consistently what we hear from those who are on the front lines, from those who know what it takes to respond to a catastrophe.

In that regard, I note that there is extraordinarily strong support from first responder groups for the Collins-Lieberman-Lott-Carper amendment. It has been endorsed by the National Troopers Coalition, the Major Cities Chiefs Association, the Grand Lodge of the Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Association of Fire Fighters, the International Association of Fire Chiefs, the Congressional Fire Services Institute, Advocates for EMS, the International Brotherhood of Police Officers, the International Association of EMT's and Paramedics.

This is quite a list of those who truly are on the front lines when it comes to responding to a disaster. I am very proud to have their support for our amendment. They recognize we have worked very hard and consulted fully with them to come up with the right approach.

I also note the amendment we are offering has been endorsed by the Homeland Security and Defense Business Council. This is a council that provides advice to the Secretary. It is made up of very distinguished members of the private sector. They, too, have endorsed it.

I ask unanimous consent these letters from first responder groups and from the Homeland Security and Defense Business Council be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. COLLINS. Mr. President, I also note planning and response capabilities are already too weak in many States, as evidenced by the recent DHS reviews. We don't want to splinter those efforts further by needlessly multiplying their Federal points of contact. For many reasons, therefore, preserving those close working ties with other agencies within the Department, the new FEMA must stay within DHS.

Allow me to briefly summarize a few more of the provisions of the bill before yielding to my colleague from Connecticut. First, as I mentioned, it establishes a strong position for the administrator of the new USEMA. This administrator would be nominated by the President, confirmed by the Senate, and have the standing of a Deputy Secretary. Day by day, the administrator would report to the DHS Secretary, but the bill explicitly provides that direct line of communication to the President as well as the authority to make recommendations to Congress on which I have already elaborated.

The amendment provides for two directors. There was an issue on which we worked very closely with DHS. The language we have incorporates the feedback we got from the Department. Both of these individuals—which, again, would be high-level individuals within the Department—would be nominated by the President, confirmed by the Senate, and would provide the administrator and the Department with highly qualified professionals in preparedness and mitigation and in response and recovery.

Our amendment would give the administrator responsibility for managing preparedness grant programs. The Presiding Officer knows, as the former mayor, that if you control some of the money that goes out to State and local governments, if you are helping to allocate that funding, you will have a good relationship with State and local governments. Inevitably, the authority follows the money. This is going to ensure we have far better coordination. This is an important restoration of authority to this agency. It was a mistake, in my view, that authority was taken away from FEMA. That will help ensure better oversight and coordination of preparedness at all levels of government.

I have talked about how important I think these regional structures are for the new agency. It will ensure that Federal officials are familiar with the people, the vulnerabilities, the capabilities, and the resources of the regions they protect, and they won't be introducing themselves to strangers on unfamiliar ground when disaster strikes.

I could not help but be struck during our hearings by the fact that so many individuals from FEMA were sent from region 1e—the region that the Senator from Connecticut and I represent, New England—down to New Orleans. I like to believe we New Englanders can handle anything, but the fact is, the response would be far more effective if we had people who are in the area who worked every day with the emergency management officials in the area, who understood the weaknesses and the strengths of particular States rather than sending someone from the Northeast down to the hurricane region or vice versa in times of an ice storm or some other disaster.

Further recognizing the importance of multilevel governmental coordination, the bill creates a national advisory council on emergency preparedness and response that would be made up of State and local officials, emergency management professionals from the public, private, and NGO sectors to advise the administrator of USEMA. This is important. We know the critical role nonprofits and the Red Cross play. They, too, should be involved in the training, the planning, the exercising. We learned from our investigation that, too, was flawed. This will help ensure the agency's thinking does not proceed in a stovepipe, but is fortified with comments and expertise from a wide range of vitally concerned partners.

Our amendment addresses the glaring and urgent needs highlighted in our investigation of Hurricane Katrina. As I mentioned, I am very pleased we have the support of so many experts. Nothing could speak more eloquently of the need for reform or be more encouraging than to receive the words of support from those who do put their lives on the line every day to protect the American people. We also have the support of the administration for this proposal.

Amending the Homeland Security appropriations bill by adding the provisions of our USEMA bill will go far to ensuring in a timely way that we will have a far more effective structure to protect our fellow citizens' lives and livelihoods from disaster.

I am very pleased this is a bipartisan effort. I recognize the work of the Senator from Connecticut who has led, with me, the investigation of the committee and the drafting of this legislation. We are also grateful for the input of Senator LOTT who knows better than any of us—except his fellow Senators from Mississippi and Louisiana—the devastation of Hurricane Katrina. I am grateful for his input, as well as the input from Senator CARPER who also has worked very hard on this issue.

Finally, I recognize all of the participation of the Presiding Officer, Senator COLEMAN. There was no more loyal committee member who came to virtually every single hearing, participated actively, and contributed greatly to our investigation. I thank him for his work, as well.

EXHIBIT 1

JULY 11, 2006.

Hon. SUSAN COLLINS,
Chairman, Committee on Homeland Security,
U.S. Senate, Washington, DC.
Hon. JOSEPH LIEBERMAN,
Ranking Member, Committee on Homeland Security,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN COLLINS AND RANKING MEMBER LIEBERMAN: On behalf of the Homeland Security and Defense Business Council (the Council), I am writing to support S. 3595, the U.S. Emergency Management Authority Act. On behalf of the private sector, the Council is pleased to endorse this measure to reinvent, protect, and strengthen FEMA. The new FEMA, reconstituted as the U.S. Emergency Management Authority, would ensure that the nation will be better prepared to address, either, natural or man-made disasters.

The Council is a non-partisan, non-profit 501 C6 organization that comprises the major companies that serve the Department of Homeland Security (DHS). Our focus is to align private sector resources to support the mission of the Department on behalf of the nation's interests. The Council is pleased to see language that elevates the importance of FEMA within DHS and reunites preparedness functions with response capabilities.

The Council supports provisions of S. 3595 that would:

Give the new U.S. Emergency Management Authority statutory protection against actions that could diminish its capabilities and effectiveness;

Ensure that the Administrator of US–EMA has direct access to the President and serves as Principal Emergency Management Advisor, at all times;

Reunite preparedness functions with response capabilities to reestablish the agency's comprehensive responsibilities and restore the full range of working relationships with state and local government; and

Strengthen the Authority's regional focus with federal strike teams for a faster and more coordinated response and to provide better familiarity with the states in which the strike teams will operate.

Thank you for your continued commitment to improving emergency management and response and for engaging the private sector to leverage industry best practices. Should you have additional questions, please do not hesitate to contact me anytime.

Sincerely,

MICHAEL M. MELDON,
Executive Director.

NATIONAL TROOPERS COALITION,
July 11, 2006.

Hon. SUSAN M. COLLINS,
Chair, Homeland Security and Governmental Affairs Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the 40,000 state troopers and highway patrol men and women represented by the National Troopers Coalition (NTC), we are writing to commend you for your legislative efforts to ensure that law enforcement is directly involved in the continuing efforts to prevent and respond to acts of terrorism.

As an organization, NTC joins with our colleagues in other national law enforcement organizations in support S. 3595, the United States Emergency Management Authority Act of 2006. We are convinced that retaining the Federal Emergency Management Agency within the Department of Homeland Security will provide better coordination among all agencies serving as first responders to both natural disasters and terrorist attacks, Recent history has demonstrated the importance of the law enforcement community responding promptly, along with others, to both terrorism and natural disasters for the safety and well-being of our citizens.

The NTC thanks you for your leadership on this issuc and your continued efforts to ensure the public that we will have the authority and resources to meet our public safety responsibilities under any and all circumstances.

Sincerely,

CASEY PERRY.

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, July 13, 2006.

Hon. SUSAN COLLINS,
Chairman, U.S. Senate Committee on Homeland Security and Governmental Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN COLLINS: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to endorse your amendment to establish a U.S. Emergency Management Authority (USEMA). We believe that this amendment will resolve many of the problems with the nation's emergency management system by improving the structure and granting greater autonomy to the federal preparedness and response activities within the Department of Homeland Security (DHS).

We believe that your approach is the best way to reform the nation's emergency preparedness and response system, because it keeps these activities within DHS. The IAFC is concerned that the removal of the Federal Emergency Management Agency (FEMA) from DHS will splinter the federal government's emergency preparedness and response efforts, which will force local jurisdictions to cope with competing directives from both an independent FEMA and the other DHS agencies. In addition, it is important that the FEMA stay within DHS and continue developing relationships with the U.S. Coast Guard and the other DHS components to better leverage their collective assets.

We believe that the U.S. Emergency Management Agency established by your amendment would ensure more autonomy for the federal emergency preparedness and response activities. The USEMA Administrator would report directly to the Secretary of Homeland Security and the directors of Preparedness and Response and Recovery divisions would be Senate-confirmed. Your amendment also would insulate the USEMA from reorganization and diversion of assets, functions, or missions. The IAFC believes that USEMA's independence could be further guaranteed by ensuring that the USEMA Administrator would report directly to the President during a Stafford Act—defined ''emergency'' or ''major disaster'' to ensure that all federal assets are available without delay. We greatly appreciate the provisions in this amendment that ensure that the U.S. Fire Administrator remains at a level equivalent to an Assistant Secretary in the department.

We thank you for your continued leadership on behalf of America's fire service. Please feel to contact Ken LaSala, Director of Government Relations, at (703) 273–9815 x347, if we can be of assistance.

Sincerely,

GARRY L. BRIESE, CAE,
Executive Director.

GRAND LODGE
FRATERNAL ORDER OF POLICE®,
Washington, DC, July 10, 2006.

Hon. SUSAN M. COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, D.C.
Hon. JOSEPH I. LIEBERMAN,
Ranking Member, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN COLLINS AND SENATOR LIEBERMAN, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our strong opposition to any legislation or amendment that would remove the Federal Emergency Management Agency (FEMA) from the U.S. Department of Homeland Security (DHS).

Since the terrorist attacks on the United States in September 2001, our nation has worked diligently to defend itself from future attacks and, in so doing, have also dedicated significant resources to respond to large scale critical incidents, both natural and man-made. Yet the primary mission of the Department of Homeland Security must always be the prevention of future attacks against the United States, and this mission is best entrusted to law enforcement at the local, State, and Federal levels.

However, our nation will face natural disasters which cannot be prevented, and, for these, we must be prepared to respond. Law enforcement is a critical component of this response and law. enforcement at every level of government seeks to increase the speed and effectiveness of delivering emergency services to those in need. Clearly, the mass devastation brought to the Gulf Coast by Hurricane Katrina showed that greater coordination and communication is needed to respond to incidents of such magnitude. This goal cannot and will not be achieved if FEMA is removed from DHS. Indeed, the F.O.P. believes that such a move would reduce our nation's overall level of preparedness.

The F.O.P. also strongly supports greater participation of law enforcement in planning emergency response at every level of government. We will continue our review of various legislative proposals addressing the need for emergency management reform at the Federal level. I thank you both in advance for your consideration of the positions we have laid out to date and look forward to working with you to improve our nation's ability to prevent terrorist attacks and prepare for future critical incidents. If I can provide any further information on this issue, please do

not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

MAJOR CITIES CHIEFS ASSOCIATION,
Columbia, MD, July 6, 2006.

Hon. SUSAN COLLINS,
Chairwoman, Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MADAME CHAIRWOMAN: On behalf of the Major City Chiefs Association, I am writing to commend you on developing legislation that will strengthen the Department of Homeland Security (DHS). S. 3595, the United States Emergency Management Authority Act, is a step in the right direction; making DHS more efficient with limited disruption and reorganization.

Prevention is the best investment in response capability. Like the President, we believe that the best way to respond to a terrorist attack, be it biological, chemical, radiological, nuclear or conventional explosive is to prevent it from happening in the first place. Intelligence, investigation, and preparedness are all law enforcement functions that will help prevent terrorists from striking again.

As you know, we feel strongly that preparedness and prevention are too dissimilar from response and recovery for these functions to operate under the same common chain of command. That is why we welcome the creation of a separate and distinct Office of the Prevention of Terrorism reporting directly to the Secretary. This structure will not permit the dilution of the prevention mission under layers of bureaucracy. We are also pleased that the bill does not break apart the Preparedness Directorate keeping it on equal footing with response and recovery. We strongly support the Preparedness Directorate and its vital role at DHS.

We look forward to working with you and supporting your efforts to ensure that DHS has a clear prevention mission. If we can be of further assistance, please do not hesitate to call on Tom Frazier at 410–433–8909.

Sincerely,

HAROLD HURTT,
President.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.,
Washington, DC, July 11, 2006.

Hon. SUSAN COLLINS,
Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

Hon. JOSEPH LIEBERMAN,
Committee on Homeland Security and Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR CHAIRWOMAN COLLINS AND RANKING MEMBER LIEBERMAN: On behalf of the National Association of Police Organizations (NAPO) representing more than 238,000 law enforcement officers throughout the United States, I would like to thank you for introducing S. 3595, the ''United States Emergency Management Authorization Act of 2006,'' and advise you of our support, particularly in regards to Section 517 of the legislation. If enacted, this bill will establish within the Department of Homeland Security (DHS) an Office for the Prevention of Terrorism.

The ''United States Emergency Management Authorization Act of 2006'' will create an Office that would be responsible for coordinating anti-terrorism policy and operations between DHS and state and local law enforcement. The Director of the Office for the Prevention of Terrorism would have the important task of developing better intelligence sharing methods between DHS and state and local law enforcement agencies. This new Office would also ensure that vital homeland security grants are adequately focused on terrorism.

This legislation recognizes the importance of standardized coordination and communication between the country's local, state, and federal law enforcement in preventing acts of terrorism within the United States. Section 517 of the ''United States Emergency Management Authorization Act of 2006'' will help ensure that state and local law enforcement are properly supported, trained and informed in order to prevent terrorism before it occurs.

NAPO thanks you for your continued support of law enforcement and I look forward to working with you to get this important legislation passed. If you have any questions, please feel free to contact me, or NAPO's Legislative Assistant, Andrea Mournighan, at (202) 842–4420.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

ADVOCATES FOR EMS,
July 11, 2006.

Sen. SUSAN COLLINS,
Chair, Senate Homeland Security and Government Affairs Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: Advocates for EMS, a not-for-profit organization founded to educate elected and appointed officials and the public on important issues affecting EMS providers, writes in support of S. 3595, the United States Emergency Management Authority Act of 2006. The measure establishes the U.S. Emergency Management Authority (USEMA) and creates a more autonomous agency within DHS, similar to the U.S. Coast Guard. S. 3595 also retains the Federal Emergency Management Agency (FEMA) within the Department of Homeland Security (DHS).

Advocates believes that moving FEMA out of DHS would only continue the instability that FEMA has experienced since its move to DHS. While FEMA responsibilities include natural disasters such as hurricanes, tornadoes and floods; it should also have an integrated response plan for other emerging threats. Removing FEMA from DHS would only add additional hurdles for EMS providers in terms of their ability to work with the federal government in response to a natural or man-made event.

Creating a U.S. Emergency Management Authority (USEMA) and the autonomy provided by the legislation is a step forward in making FEMA efficient and effective in providing emergency medical services responders the leadership and resources they need. In addition, Advocates also supports the establishment of the Chief Medical Officer (CMO) and its responsibilities the legislation provides. The CMO plays a key role in coordinating medical response within DHS and other federal agencies.

Advocates thanks you for your continued leadership on this issue and looks forward to working with you in the future on first responder issues.

Sincerely,

ADVOCATES FOR EMS.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS,
Washington, DC, July 11, 2006.

Hon. SUSAN COLLINS,
Hon. JOE LIEBERMAN,
U.S. Senate, Washington, DC.

DEAR SENATORS COLLINS AND LIEBERMAN: On behalf of the nation's more than 270,000 professional fire fighters and emergency medical personnel, I applaud you for your efforts to reform the nation's emergency preparedness and response system. We strongly support the enactment of legislation to reform FEMA within the Department of Homeland Security and appreciate your continued leadership in moving this effort forward.

Congress must enact comprehensive reforms to ensure that FEMA will be able to provide an effective response to disasters. These reforms, such as reuniting disaster preparedness and response functions within FEMA and utilizing an all-hazards approach to emergency preparedness, can and should be made within the Department of Homeland Security.

We believe that proposals to return FEMA to its status as an independent agency would hinder efforts to reform our nation's emergency response system. Removing FEMA from DHS would create competing agencies, sowing confusion among emergency responders. Furthermore, such an approach would undermine an all-hazards approach, leading to a perception that DHS deals with terrorism, while FEMA is in charge of natural disasters.

When Congress created the Department of Homeland Security, it did so with the understanding that emergency preparedness and response are at the core of our nation's homeland security. Your amendment to the Homeland Security Appropriations Act helps to fulfill this mandate by ensuring that FEMA remain an integral part of the Department of Homeland Security.

Thank you for your leadership on this vital issue. We greatly appreciate your continued support for the nation's front-line emergency responders and look forward to working with you in the coming weeks to improve the way our nation responds to disasters.

Sincerely,

BARRY KASINITZ,
Director, Governmental Relations.

CONGRESSIONAL FIRE SERVICES INSTITUTE,
Washington, DC, July 10, 2006.

Hon. SUSAN COLLINS, Chair,
Hon. JOE LIEBERMAN, Ranking Member,
Senate Committee on Homeland Security and Governmental Affairs, Washington, DC.

DEAR SENATORS COLLINS AND LIEBERMAN: The response to Hurricane Katrina revealed a number of things regarding our nation's level of readiness for major disasters. On the one hand, it showed the courage and dedication of local first responders—our firefighters, law enforcement, and rescue personnel—who made many sacrifices of their own in order to respond valiantly to the greatest natural disaster in our nation's history. On the other hand, it exposed the limitations of our national response capabilities, exacerbated by failures in leadership at all levels of government.

While there is no doubt fundamental changes need to be made to our national response structure, we are greatly concerned by recent efforts in the Congress to remove FEMA from the Department of Homeland Security. The separation would diminish the resources of both FEMA and DHS, and create a duplication of critical components resulting in a bureaucratic nightmare for first responders and local governments.

In 2002, we were one of nine organizations that signed on to a white paper outlining our position on the creation of the Department of Homeland Security. The first recommendation was that FEMA ''be at the core of the Department of Homeland Security.'' Our organization has not altered its position. FEMA can succeed but it will require strong leadership, proper resources, and better execution of the roles and responsibilities by FEMA and its partners. Your legislation, S. 3595, takes into account our

recommendation. We commend you for addressing this issue and appreciate your support.

Thank you for your leadership on this issue. We certainly look forward to continuing our work with your committee to address the needs and challenges of our nation's first responders.

Sincerely,

WILLIAM M. WEBB,
Executive Director.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my colleague, Chairman COLLINS, for an excellent introductory statement and to say, once again, how much I am honored and pleased to work with her as the ranking Democrat on our homeland security committee, and how pleased I am to join with her today and with Senators CARPER and LOTT to introduce this amendment to make FEMA into an agency capable of responding swiftly and effectively to the most serious disasters, whether a hurricane the size and scope of Katrina, a natural disaster the likes of which we see more routinely, or a terrorist attack which, of course, our enemies hope will be even more devastating than the attacks of September 11 and for which we must be perpetually on the defensive and prepared.

This amendment would literally reinvent FEMA to give our Federal emergency preparedness and response experts the authority, the capabilities, the resources, and the integration with State and local officials needed to avoid the confused, uncoordinated, and ultimately ineffective response that the Nation and the world witnessed last August when Katrina made landfall. It would strengthen emergency preparedness and response within the Homeland Security Department which this Congress created a short time ago to prevent, prepare for, and ultimately respond to all kinds of disasters.

In doing so, this amendment would create a truly national system of emergency management that will be able to draw on the Nation's vast resources for a cohesive and complete local, State, and Federal response.

Mr. President, the Homeland Security and Governmental Affairs Committee spent 7 months in 2005 and 2006 investigating the botched Government response to that catastrophic hurricane. We found all levels of our Government were ill-equipped to deal with the massive human suffering all along the gulf coast that followed that terrible storm's landfall, suffering that shocked, angered, and embarrassed the American people who expect more support from their Government for fellow Americans in need.

These failings were caused by negligence in some cases, by a lack of resources in other cases, by a lack of capabilities in some cases, but most of all by a lack of leadership and preparation that comes with leadership from the very top to the very bottom.

We cannot legislate leadership, although as Senator COLLINS said, we can at least require the kind of experience in the people who will lead America's emergency management effort that would make it more likely they would be leaders, and we can legislate changes in Government structures to make them more sensible and better suited to protect people in times of disaster.

The homeland security committee's report had merit because we told the story of what happened and didn't happen, of the clear warnings that such a hurricane would one day strike the gulf coast, and the clear predictions that we were not ready. In telling the story, right through the weekend before landfall and then the days following the disaster itself, I believe the committee, on a truly bipartisan basis, made a contribution. Because sometimes just telling the truth and putting it before those in positions of responsibility is one of the great curatives, one of the great sources of reform. But the committee went beyond just telling the story and offered a number of recommendations about what was needed to improve our preparations, response, and recovery.

Chairman COLLINS and I will soon introduce broader legislation to encompass all of our committee report's recommendations. These include changes to the Stafford Act to address the different kinds of assistance that are needed in response to catastrophic events rather than ''ordinary'' disasters; provisions to ensure that communications systems can work—and that first responders can talk to each other—even in devastating disasters; requirements for the national planning for disasters and catastrophes that FEMA was never able to fully accomplish; and steps to ensure that USEMA has the kind of robust and capable workforce it needs to success. All of these are crucial pieces of the effort to remake our nations emergency response and recovery capabilities.

But we begin today with the foundation, the most important recommendation we made, which is to rejoin the functions of disaster response with disaster preparedness within a new agency, a reinvented FEMA, which we will call USEMA, the U.S. Emergency Management Authority. It would be at the very core of the Department of Homeland Security, just as FEMA was originally intended to be when we proposed the new department in 2002 based on the recommendations of the Hart-Rudman Commission the previous year.

How could one have a Department of Homeland Security, which is aimed at preparing for and responding to disasters, including terrorist attacks, without the Federal agency that is primarily responsible for emergency management? It makes no sense. Our investigation of what went wrong during Hurricane Katrina made it clear that part of the problem was caused by separate and uncoordinated Federal preparedness and response functions within the Department of Homeland Security.

In the years before Katrina, FEMA, the agency charged with coordinating our Nation's response to terrorist attacks and natural disasters, too often was out of the loop when critical decisions about how to prepare were being made. It had no say in how to spend billions of dollars in preparedness grants. Training exercises were designed and held without serious input by FEMA. Relationships with State and local officials on the front lines were not fully developed and sometimes were nonexistent. So FEMA's ability to respond was crippled because it was not working hand in glove with those making preparations for responding to disaster.

Our amendment, first and foremost, therefore, will ensure that our preparedness efforts are inseparable from the capabilities needed to respond. As Chairman COLLINS has said, preparation and response are two sides of the same coin. And the coin, which is the coin of America's emergency management in times of disaster, is stronger if those two sides are together.

USEMA will provide the resources and it will have the ability and the responsibility to plan and train with State and local emergency management officials, just as it will have the responsibility to coordinate with them at the time of a disaster.

Where FEMA has often struggled to cope with normal hurricanes, the mission of the new Authority will be to partner with State and local governments, other Federal agencies, the private sector, and nongovernmental organizations to build a national system of emergency management that can respond effectively to catastrophic incident.

Where FEMA has been slow to respond and too often reactive, the new Authority will be charged with developing a Federal response capability that can and will act rapidly and proactively when necessary to deliver assistance essential to saving lives in a disaster.

Where FEMA has not been fully integrated with DHS, the Department of Homeland Security, the new Authority will be charged with coordinating with key agencies in the Department also involved in emergency management, also on the front lines at a time of disaster, such as the Coast Guard.

Our amendment would also give the new Authority special status within the Department—the same status the Coast Guard and the Secret Service now have. With that status, changes to the agency's functions and its assets could only be made by congressional statute, not by executive action. That is a way of protecting the strength we intend to give this new authority.

We would also insist in this legislation that the administrator and other key agency officials have the necessary experience and qualifications for the job. In other words, USEMA will not be plagued by unqualified appointees, as FEMA has been in the past.

Chairman COLLINS and I also envision a new agency with robust regional offices which would focus on coordination of preparedness and response with local and State agencies. Let's take the focus away from Washington and place it where it belongs, where the real work of preparedness is done, on the front lines, in the States and in the municipalities. This will guarantee that Federal officials are familiar with regional and local threats and know their counterparts at the State and local levels. Different parts of the country face different natural disaster prospects. Unfortunately, most every part of the country is vulnerable today to terrorist attack. This regional approach will help ensure that officials are not exchanging business cards on the day the disaster strikes, that the local, State, and Federal officials are not meeting on the day or the day before the disaster or the day after the disaster.

I know some of my colleagues in the Senate believe FEMA should be removed from the Department of Homeland Security and given independent status. But Senator COLLINS and I, after our extensive investigation, have concluded that is not the solution to the problems we saw in response to Hurricane Katrina, but instead would compound the problems. It would be a serious mistake to separate FEMA out of the Department. Even when it was independent, FEMA never developed the capacity to respond to a catastrophe like Hurricane Katrina. So returning it to independent status, as if those were the golden days of yore, is not based on fact, and it will in no way solve the problems we saw in response to Katrina and that we face today. In fact, it will make solutions and, I would say, preparations and responses to disaster far more difficult.

Removing the agency from the Department would only create additional problems, duplications, and disconnectedness. The Department of Homeland Security, containing other emergency response agencies, such as the Coast Guard, and other components, would begin to rebuild the functions of FEMA in the Department, even though it was independent. FEMA—independent, out of the Department—would duplicate activities and functions that are in the Department resulting in a waste of money, bureaucratic inefficiencies and a lack of coordination that would not only put us at risk of repeating the inadequate response we saw to Hurricane Katrina last year but of making it even worse.

To cope with a catastrophe, the Government's chief preparations and response agency must have access to the vast resources of the Department of Homeland Security, and it needs to work seamlessly with other agencies that have critical roles to play during a catastrophe. Those working relationships are going to be much easier and more real if officials know one another and if agencies have a history with each other and, of course, if everyone ultimately serves the same Secretary of Homeland Security.

The grievous conditions of gulf coast communities in the week after Katrina's landfall embarrassed us before the world and, quite appropriately, angered us because we know that America can do better. But the gulf coast and the force of Katrina are not isolated examples. Other American communities and regions are similarly vulnerable today—whether to a natural disaster or terrorist attack. We also know significant flaws in the Nation's readiness remain. Another response like the one we saw during Katrina is simply not an option.

Our proposal is not about rearranging bureaucratic boxes. We have studied past failings and carefully considered how to improve our performance, the Federal Government performance, the next time. We have been driven by that singular goal. We have not had any thoughts in mind of protecting the status quo or favoring one bureaucratic entity over another. We have tried to come up with a recommendation that will put America's Government in the best position to protect America's people the next time disaster strikes. We are driven by the imperative to save people's lives, like the lives lost during Hurricane Katrina.

The changes embodied in this amendment, I am convinced, promise a strong response, if enacted, the next time disaster strikes. So I ask my colleagues for their support of this amendment.

I thank Senator COLLINS for her leadership and express once again my pleasure at the opportunity to work with her and in this instance to be joined by Senator LOTT and Senator CARPER in a truly bipartisan national-interest homeland security amendment.

Mr. JEFFORDS. Mr. President, I rise today in support of the amendment raised by Senator AKAKA on behalf of Senator CLINTON, and in opposition to the amendment offered by Senator COLLINS.

Mr. President, colleagues, what we are seeing today with the underlying amendment is a refusal to admit that a mistake was made when FEMA was incorporated into the Department of Homeland Security when it was created in 2002 after September 11.

Rather than correct the mistake, extract FEMA from DHS, and restore it to its former state as an independent agency reporting directly to the President, the Collins amendment makes an effort to change the way FEMA operates within the Department. I support Senator CLINTON's second-degree amendment to restore FEMA to an independent, Cabinet-level agency, and I urge my colleagues to do the same.

Over the last 200 years, we have moved from an ad hoc approach to disaster response to a coordinated, orderly approach, authorized by the Stafford Act, over which my Committee, the Environment and Public Works Committee, holds jurisdiction.

On September 11, the Nation was struck by a terrorist attack. The effectiveness of FEMA helped reduce the impact of those events.

In what I believe is an example of extremely poor judgment that failed to take into account FEMA's role in responding to natural disasters, FEMA was moved into the Department of Homeland Security.

FEMA has shown itself to be ineffective, in my opinion, largely due to the bureaucracy of the Department of Homeland Security and FEMA's lack of independence. At the time of the creation of DHS, I said:

> I cannot understand why, after years of frustration and failure, we would jeopardize the Federal government's effective response to natural disasters by dissolving FEMA into this monolithic Homeland Security Department. I fear that FEMA will no longer be able to adequately respond to hurricanes, fires, floods, and earthquakes, begging the question, who will? (November 20, 2002)

Today, unfortunately, we know the answer—no one.

With Hurricane Katrina, I believe that we witnessed the degradation of our national response system as a result of that change. We all watched the results of that free-fall on live television. As I watched the coverage of that event, I could only think of the unnecessary human suffering that was occurring, in part as a result of the bad decision made by Congress to include FEMA in DHS.

Today we have a chance to correct our mistake.

It is the very structure of the Department that makes it impossible for FEMA to be effective. In a disaster, regardless of cause, decisions need to be made quickly and resources need to be brought to bear immediately. FEMA reporting directly to the President is the only way to make this happen. During Katrina, we saw the result of having our emergency response agency buried in the bureaucracy of DHS—executive decisionmakers were isolated from the realities of the situation, preventing the quick, effective action that we saw after September 11. The only way to correct that problem is to get FEMA out of DHS and into a Cabinet-level status, reporting directly to the President.

I urge my colleagues to support the Clinton amendment and reject the Collins amendment.

I ask unanimous consent that my entire statement from 2002 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOOR STATEMENT OF SENATOR JIM JEFFORDS, HOMELAND SECURITY, NOVEMBER 20, 2002.

Mark Twain once said, ''Always do right—this will gratify some people and astonish the rest.'' I rise today to explain why I believe voting against this bill is the right thing to do.

Of the many reasons to vote against the bill, I will focus on three—the bill's treatment of the Federal Emergency Management

Agency, the bill's treatment of the Freedom of Information Act, and the process used to create this new Department.

With the passage of this Homeland Security legislation, we will destroy the Federal Emergency Management Agency, losing year's of progress toward a well-coordinated Federal response to disasters.

As it now exists, FEMA is a lean, flexible agency receiving bipartisan praise as one of the most effective agencies in government. But it hasn't always been that way.

Throughout the 1980s, FEMA's focus on Cold War's nuclear threat left the Agency ill-prepared to respond to natural disasters. The Congressional chorus of critics decried the Agency's misguided focus and reached a crescendo after bungled responses to Hurricane Hugo in 1989 and Hurricane Andrew in 1992.

One of FEMA's leading Congressional critics, then-Representative Tom Ridge said in 1988, ''I was convinced that somewhere along the way, the Federal Emergency Management Agency had lost its sense of mission.''

Over the last decade, refocusing the agency's mission and priorities on natural disasters has left the agency well-equipped to respond to all types of disasters. FEMA's stellar response to September 11th proved this.

I cannot understand why, after years of frustration and failure, we would jeopardize the Federal government's effective response to natural disasters by dissolving FEMA into this monolithic Homeland Security Department.

I fear that FEMA will no longer be able to adequately respond to hurricanes, fires, floods, and earthquakes, begging the question, who will?

Mr. President, also of great concern to me are the new Freedom of Information Act exemptions contained in the latest substitute.

Unfortunately, the current Homeland Security proposal chokes the public's access to information under the Freedom of Information Act. I ask, are we headed toward an Orwellian society with an all-knowing, secretive big brother reigning over an unknowing public?

The bill defines information so broadly that almost anything disclosed by a company to the Department of Homeland Security could be considered secret and kept from the public.

Although I believe current law contains an adequate national security exemption, in the spirit of compromise, I supported the carefully crafted bi-partisan Senate language contained in both the Lieberman substitute and the Gramm-Miller substitute. The current bill ignores this compromise.

Mr. President, the process by which we received this substitute seems eerily similar to the way the White House sprung its original proposal on the Congress some time ago.

Late last week we received a bill that had magically grown from an original 35 pages to an unwieldy 484 pages. There was no compromise in arriving at the current substitute, only a mandate to pass the substitute or be branded as weak on homeland security or worse yet, unpatriotic.

Still more troubling, the current bill places little emphasis on correcting what went wrong prior to September 11th or addressing future threats. Correcting intelligence failures should be our prime concern. Instead this bill recklessly reshuffles the bureaucratic deck.

Furthermore, as my colleague Senator CORZINE stated earlier this week, this bill does not address other vitally important issues such as security at facilities that store or use dangerous chemicals. Without provisions to address yet another gaping hole in our Nation's security, why are we not being more deliberate in our approach?

In closing Mr. President, I feel that it is irresponsible to divert precious limited resources from our fight against terrorism to create a dysfunctional new bureaucracy that will only serve to give the American public a false sense of security.

I will vote against this bill because it does nothing to address the massive intelligence failure that led up to the September 11th attacks. It dismantles the highly effective Federal Emergency Management Agency and creates dangerous new exemptions to the Freedom of Information Act that threaten the fundamental democratic principle of a well-informed citizenry.

Thank you.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

AMENDMENT NO. 4555, AS MODIFIED

Mr. GREGG. Mr. President, I send an amendment to the desk on behalf of Senator SALAZAR.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. SALAZAR, proposes an amendment numbered 4555, as modified.

Mr. GREGG. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to prepare a report on activities to ensure that the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service is operating effectively and to ensure that States are receiving adequate guidance)

At the appropriate place, insert the following:

SEC. ____. The Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, not later than February 8, 2007.

(1) identifies activities being carried out by the Department of Homeland Security to improve—

(A) the targeting of agricultural inspections;

(B) the ability of United States Customs and Border Protection to adjust to new agricultural threats; and

(C) the in-service training for interception of prohibited plant and animal products and agricultural pests under the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service; and

(2) describes the manner in which the Secretary of Homeland Security will coordinate with the Secretary of Agriculture and State and local governments in carrying out the activities described in paragraph (1).

Mr. GREGG. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4555), as modified, was agreed to.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4556

Mrs. FEINSTEIN. Mr. President, I ask that amendment No. 4556 be called up.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KYL, Mrs. BOXER, Mr. TALENT, Ms. CANTWELL, Mr. SALAZAR, Mrs. HUTCHISON, and Mr. BINGAMAN, proposes an amendment numbered 4556.

Mrs. FEINSTEIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition)

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''§ 554. Border tunnels and passages

''(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

''(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

''(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 2339B(g)(6)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 554. Border tunnels and passages.''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting ''554,'' before ''1425,''.

(d) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by subsection (a).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) provide adequate base offense levels for offenses under such section;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(i) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(ii) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(D) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(E) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(F) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

Mrs. FEINSTEIN. Mr. President, this amendment criminalizes the unauthorized construction, financing, or reckless disregard which permits construction of a border tunnel that is a tunnel between American land and another country's land; namely, Canada or Mexico or any subterranean passageway along international borders.

This amendment is cosponsored by Senators KYL, BOXER, TALENT, CANTWELL, SALAZAR, HUTCHISON, and BINGAMAN. This amendment was part of the immigration bill. It was unanimously added to the immigration bill by the Judiciary Committee. I have tried to hotline this amendment. It was cleared on the Democratic side, and it was cleared on the Republican side with the exception of one Senator. I believe it is an important amendment. That is why I am offering it today as an amendment to this bill.

Believe it or not, today the act of constructing, financing, or using a tunnel between borders is not a Federal crime. This amendment changes that. In addition to criminalizing the unauthorized construction, financing, or use of a border tunnel on one's land, this amendment also doubles the criminal penalties for individuals caught using a tunnel to unlawfully smuggle aliens, goods, drugs, weapons of mass destruction, or terrorists. The amendment also allows for assets involved in the offense or any property traceable to the offense to be subject to forfeiture.

Finally, the amendment directs the U.S. Sentencing Commission to promulgate or amend Federal sentencing guidelines to provide for criminal penalties for persons convicted pursuant to the language of the amendment and to take into account the gravity of this crime when considering base offense levels.

One might ask: Why is this important? I will answer that. Since September 11, 43 tunnels and subterranean passageways into the United States have been discovered—26 tunnels along the California-Mexican border, 16 tunnels along the Arizona-Mexican border, and 1 tunnel along the Washington-Canadian border. The risk to national security that is raised by the use of these tunnels is one this body is already aware of. In fact, the Senate Appropriations Committee included report language on this topic, which reads:

Policy on tunnels along the border: The Committee is concerned with the Department's lack of a clear policy regarding which agency is responsible for securing, closing, and ultimately filling tunnels which are discovered crossing under our land borders. It appears decisions regarding the handling of tunnels are made on an ad hoc basis, depending on which agency discovers the tunnel and has the resources to fill it. With nearly four dozen known tunnels along our borders, it is imperative a policy regarding tunnels be developed.

And it goes on. It asks that this policy be developed not later than February 8.

This report language in the appropriations bill is a good first step, but it is just that. The cosponsors of this amendment and I believe that we send a further message that border tunnels are a problem and they must be dealt with. As I mentioned, 43 border tunnels have been discovered in the United States. These tunnels range in complexity from simple gopher holes a few feet long at the border to massive drug-cartel-built megatunnels costing hundreds of thousands of dollars to construct.

I recently visited a border tunnel on the Mexican-San Diego border. Let me tell you what I found. I found a tunnel that was extraordinarily sophisticated. It was six football fields long. It went under other buildings. It went under the border. The American side was a large warehouse, brand new, huge warehouse, half a long square block, kept empty, small rooms inside the warehouse. Inside one room, which I will show you in a minute, was a hatch. Down the hatch was a tunnel, a concrete floor, ventilation, a pump to drain it, and electricity, as we can see. This was the tunnel interior.

This is a picture of the interior. We can see the concrete. At one end of the tunnel was 2,000 pounds of marijuana, and at the other end was 300 pounds of marijuana.

This was the hatch in a room, and it looked very benign. You simply lifted up two floor tiles, and under those floor tiles, you descended about 10 feet and there was this huge apparatus which clearly had been functioning for a substantial period of time. I found it just amazing.

The building, interestingly enough, was sold about a year ago to an individual who never leased it out. I have always wondered: Why wouldn't you lease out a warehouse? That question still has not been answered to my satisfaction.

I also learned there is no law against it. There is no law that says you have to do due diligence on your property if it is on the border to see that somebody doesn't come along and dig a tunnel such as this and smuggle aliens, smuggle drugs, possibly smuggle terrorists, possibly smuggle weapons. This is a way to do it. Therefore, I believe this amendment belongs in this bill.

My hope, given the importance of criminalizing this action, is that this amendment will be included in the managers' amendment. We will still be delighted if that is the case. I am not sure that is possible. I believe to allow another period of time to go by with no law that says it is illegal to build a border tunnel unless you are authorized to do so, and has some sanctions to it, is really long overdue. It would be terrible if we found out one day that a group of 15 or 16 terrorists came in from Mexico or came in from Canada to the State of Washington through a border tunnel and we had done nothing about it.

This amendment also says that the owner of property along the border must be reasonably aware, must do their due diligence to see that their property is maintained and a border tunnel is prevented.

I am hopeful this amendment will be accepted and, if not, I will certainly ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I think the Senator's amendment is a good amendment and I would like to accept it. There is an objection on our side to our accepting it at this time with which the Senator is familiar. I am hopeful we can resolve that objection.

Rather than going to the yeas and nays, let's see if we can resolve the objection.

Mrs. FEINSTEIN. Would the Senator like me to hold on the yeas and nays?

Mr. GREGG. Mr. President, I would appreciate it if the Senator from California would. I certainly assure the Senator that at some point, if we have to vote on it, we will vote on it. Right now there appears to be an objection going forward.

Mrs. FEINSTEIN. Mr. President, I thank Senator GREGG. I know Senator KYL is going to come to the floor and speak on the amendment as well. I do not see him at this time.

Mr. GREGG. The Senator has made an excellent point. It doesn't surprise me there is no criminality or law involved that restricts the ability to dig a tunnel from one country to another. It is pretty obvious that something

should be done in this area. So I think the Senator has touched on a very important point. hopefully we will work it out, and we will work it out before this bill is off the floor.

Mrs. FEINSTEIN. I thank the Senator for those comments.

Mr. President, I yield the floor and ask that the amendment be set aside.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Mr. President, parliamentary inquiry: What is the pending amendment?

The PRESIDING OFFICER. The amendment by Senator FEINSTEIN, No. 4556.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be set aside and we return to debate on amendment No. 4560 by Senator COLLINS.

The PRESIDING OFFICER. Is the Senator asking that it be the pending question or just to debate it?

Mr. LOTT. I am asking that the pending amendment be set aside to return to debate on amendment No. 4560.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4560

Mr. LOTT. Mr. President, I come to the floor to join in the support of amendment No. 4560 to the Department of Homeland Security appropriations bill. I thank Senator COLLINS for her leadership in this area and for her willingness to work on a solution that I think will be good for the Federal Emergency Management Administration, as it is now known, in the Department of Homeland Security, and result in a better effort by the successor to FEMA in the future.

Let me begin by saying that I appreciate the support of my colleagues in the Senate as we have gone through the aftermath of Katrina and we have come to the floor three or four times asking for help in a variety of areas to help us with the recovery, to get funds for the different Federal agencies, to get funds even to the Federal Emergency Management Administration to help us recover. A lot of progress has been made. I want to acknowledge that.

In 3 years or 5 years, we are going to look back and say that the aid we received from the Federal Government was absolutely indispensable and allowed us to get through this very difficult process.

In the immediate aftermath of the hurricane, there were wonderful stories that could be told about the actions of the Coast Guard specifically, let me point out, and by other military installations, faith-based groups, volunteer groups, charitable organizations, by corporate America that sent aid, supplies, money, people. The utilities worked laboriously to get power back on and telephones operative. It was a monumental undertaking.

For those who want to be critical of the recovery effort—and I am one of those—you have to first acknowledge that this was a devastating disaster of Biblical proportions, more than any of us could have comprehended, more than any of us who lived in the line of fire from Hurricane Katrina understood even in the immediate aftermath, including me.

I was there in the immediate aftermath. We lost our house. We are like everybody else along the coastline of Mississippi and Louisiana. It is a very difficult experience. But our people have been resilient, they have been determined, and we are making progress.

We did get through the preparations for the hurricane, saving lives immediately after, getting basics to people who needed them—just basic water and ice. We have gotten almost all of the debris removed, except in some of the swamp and water canals and channels that still has to be removed. We are seeing rebuilding start. Just yesterday, the Department of Housing and Urban Development released $3 billion for the home grants through CDBG so that people who lost their home, had no insurance, and had a mortgage and probably lost their job and their car, their truck, or their dog will have some way to get up to $150,000 to get their homes repaired or rebuilt. So we have made a lot of progress.

I think it is time that we look even more to the future: How are we going to get through the rebuilding period? We are working with elevations, heights that FEMA is requiring; we are dealing with small business loans, all that goes on with the rebuilding effort.

But I am worried about the next disaster. There were some very disappointing results at FEMA. And I want to hasten to say that FEMA, which became a dirty, four-letter word, has a lot of good people in it and has done a lot of really good things, but it could have been and it should have been better. And what troubles me so much, as a Congressman and Senator and even before that as a staff member—I have dealt with the recovery effort after five hurricanes, two major tornadoes, two major ice storms, and a flood. I have dealt with disasters. I have dealt with the emergency arm of the Federal Government, going back to 1969 after Hurricane Camille, when the disaster effort and recovery was carried out by the Office of Emergency Preparedness, OEP. Its offices are right across the street from the Old Executive Office Building, run by a general, a retired Army general, and reportable only to the President of the United States.

They did a marvelous job after Hurricane Camille. The chain of command was short. In those days, the Corps of Engineers brought in the heavy equipment, the trucks, the bulldozers, the front-end loaders, the Bobcats. They cleaned up the debris. Now you have to go through Treasury, a check goes to FEMA, FEMA goes to the Corps, the Corps of Engineers goes to the contractor—out of State probably—and the contractor goes to subcontractors, to sub-subcontractors and, meanwhile, a lot of money is frittered away as everybody takes their bite, on down the line.

Of course, one of the most difficult things was getting the trailers, the temporary housing to people in the area. The logistics of getting trailers is not a big problem, but getting them to the people turned out to be a huge problem. The insanity of how it was managed was inexplicable. I won't go through how difficult it was.

We are still dealing with that. We still have some people who are living in tents because FEMA said: We won't deliver you a trailer if you are in a flood zone. If that is all the property you have—you could bring a trailer into a flood zone, and if you had to, you could hitch it up and pull it out. But people are still living in very difficult circumstances.

I believe we made a mistake when we were creating this huge, new, mammoth Department of Homeland Security where we put all of these different entities, agencies, and bureaus into that agency that wound up having 150,000 or more people in it.

I remember when we were discussing creating this Department of Homeland Security in an office right down the hall. Senator STEVENS and Senator COLLINS and some of us raised questions about how the Coast Guard was going to be handled, and we wound up carving out a special arrangement for the Coast Guard. I won't get into the details of it at this moment. But I raised questions about FEMA, too: Are we sure we want to put our emergency management organization into this big, mammoth department and maybe become overrun by homeland security and terrorism? And the answer was: Oh, absolutely. They need to coordinate manmade disasters, natural disasters, disaster preparation, disaster recovery; it needs to be seamless and they all need to be operating under the same authority.

Well, I relented. I think it was a mistake. I think the emergency management organization has a unique responsibility in preparation for disasters. Yes, they can be manmade as well as natural disasters, but also in the recovery. But I think the chain of command was out of control. The number of officials who were meeting in a room, they would fill up the room and identify all the problems: Oh, we have a flood main broken here. We have schools where the wall is falling in. We have debris in the road. They would get through with the meeting, everybody would leave, and somebody would say: Did anybody get any assignments? Did they agree to do anything? No.

The people that did do something, though, were in the Coast Guard. They helped move people out before the hurricane, rescued people during and after the hurricane, and generally did a magnificent job. Do you know why? Because they had this carved-out, unique position, even though they were in the Department of Homeland Security. They didn't have to go through the Secretary of the Department of Homeland Security to do what was necessary.

Another example was the Seabees at Gulfport, MS. When they went to these meetings with all of these muckety-mucks, all of these different agency heads, to hear the problems and do nothing about it, the Seabees would make lists of things they could do and they went out and did it. They went out and stopped the leaky water main. They went and removed the debris so you could get into a neighborhood. They went to the school and they took action to tear down or repair or fix a wall so it would at least be safe for their children. You know what. They just did it.

By the way, they could have gotten in trouble because if FEMA hadn't agreed to reimbursement, they would have had to eat the cost of what they did, and some captain in the Seabees could have been in real jeopardy. But, thank goodness, they worked through it. They got reimbursed and did well.

So I think that is part of the problem. I asked the Seabees: Why were you able to do that?

They said: Well, the chain of command was so long and laborious, we decided we would find the things we could do and we would just go out and do it.

FEMA, I think, meanwhile, had been sort of pushed back into the back 40 part of Homeland Security. They had been underfunded, undermanned, and had not been really getting the involvement and the attention they needed. Plus, I was shocked one time when I heard the Secretary of Homeland Security complaining that the head of FEMA was going around him directly to the President. Yes, he should have. You shouldn't have the emergency management and recovery people having to check with the Assistant Secretary, the Deputy Secretary, the Secretary, the Chief of Staff, the OMB, to get to the President. This is an emergency. It is a disaster, for heaven's sake. So I don't think it worked well.

I don't blame a lot of the good men and women at FEMA; I blame us. We did it. We created a system that didn't work.

So I introduced legislation to move FEMA, like its predecessors, back into a role as an independent agency with specific authorities for natural disasters, reporting only to the President. I was joined in sponsoring that legislation by the Senator from New York, Mrs. CLINTON, who knows something about how the predecessor to FEMA worked under its Administrator at the time, James Lee Witt, who also had a little experience with disasters, although the ones he dealt with on 9/11, as the Senator from New York knows, were manmade. Others joined in cosponsoring that legislation.

I still believe that is the best way to go. I think it should be independent.

In the House, you have two separate approaches. You have the independent approach and you have the approach that would keep it locked in Homeland Security. But it seemed to me that there was a third way. There is always a third way, if you will just look for it. I think that is one of the things we have lost in this institution. We get locked into the Republican position, the Democratic position, or some other division, and then we won't talk to each other.

So Senator COLLINS, to her credit, on her own initiative, said: Can I come talk to you about the proposal that Senator LIEBERMAN and I have, which was to keep it in the Department of Homeland Security, with some changes, and some recommendations I thought would have been positive but still was not the solution I thought we needed. But she came and took the time to explain it to me. It had some attractive features to it. She gave it more authority.

But then I thought about it for a while and I went back to her and I said: Let's find this third way. I think maybe the thing to do is to carve FEMA out into a position like the Coast Guard but within the Department of Homeland Security but with an independent authority, the ability to report directly to the President of the United States. Yes, they could be involved in coordinating and in the preparation for disasters of all kinds, but set them up basically independent within the Department of Homeland Security.

I think it will work. An example is the Coast Guard. So much of the language that we have in this amendment came from the Coast Guard language. I know Senator COLLINS has taken the time to explain the details of what is proposed here, and I am painting a broader picture of what is involved. But we were able to come to an agreement. Her staff was cooperative. My staff, which has had a lot of experience with this sort of thing, worked with them, and we came to an agreement. By the way, I then went to Senator CLINTON and said: I think we can get something done if we do this, rather than just having a big fight. Do you want a big fight or do you want a result? The new hurricane season is upon us.

Now, the media made it sound like on June 8, or whatever the date was that hurricane season begins, we would get hit immediately. Well, those of us who are hurricane pros know that hurricanes generally don't hit in June and July, but they will come in August and September, and this time it may not be Mississippi or Florida; it may be Maine. But it will come somewhere. I don't want to be sitting around here complaining about what it was like because FEMA did not have the authority they needed, didn't have the money, didn't have the power they needed 6 months or a year from now. So we needed to get something done.

Senator CLINTON understood what I was trying to do. It is part of the way I think we need to do things around here. It is part of being honorable with each other. She had been a cosponsor. I thought I should explain what I was working on doing. So we came to the agreement that has been produced with this amendment. I think it makes good sense. I think the House will find some wisdom in it, and the most important thing is we will get something done.

It is so difficult to move something through the Senate anymore. Do you think we could really move a whole new, freestanding bill through the Homeland Security and Government Affairs Committee, get it to the floor of the Senate, all kinds of amendments—and let me tell you, I would be one of the ones waiting here with lots of amendments. I have lots of other things stuck in my craw about the hurricanes that I am worried about for the future—or could we go with an amendment, which seems appropriate to me, to the Department of Homeland Security appropriations bill, get it to the House, get their input, and get a result. Even then, it won't be perfect, but I believe it will be better. This is something we should do.

I will be coming back, until the last day I serve in this institution—whenever that may be—to talk to my colleagues about lessons we learned and things we can do that will hopefully help our people be more secure; that will help people who will be hit with other kinds of disasters such as tornadoes, earthquakes, crickets, or whatever, but we will do it better because of what we learned from Hurricane Katrina.

So I am delighted to be here to support this amendment. In a perfect world I might do it differently, or I might still insist that it can be a separate entity. The amendment even proposes that it be renamed the Emergency Management Administration, I believe—EMA. It is something we can say, and it is not a four-letter word. I think while that is not going to cure a single problem, it is part of creating a new atmosphere and a different mindset, hopefully.

I think the Administrator of FEMA that we have in place now, Mr. Paulson, is a good man. I think he is going to move toward trying to get professional disaster-experienced people in FEMA throughout this country, and I certainly hope he will.

So I urge my colleagues to support this amendment and then support this appropriations bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank the Senator from Mississippi for his

comments, for his support, and for his enormous contribution to the amendment that is before us today. He, more than any other Member of this body, has personal experience with the devastation that Hurricane Katrina caused, and he has been, along with Senator COCHRAN and the two Louisiana Senators, a fierce advocate for reforming the system to make sure that never again does government at all levels so fundamentally fail in its obligation to our citizens.

I very much appreciated the opportunity to work with Senator LOTT to strengthen the language in our bill to make sure that the exact same safeguards and protections that the Coast Guard enjoys would now apply to the new FEMA organization: USEMA. I think that was an excellent suggestion. We used the same language, and we will protect the new agency from being reorganized by the Secretary, from having its mission altered, from having it split up or dispersed or its budget cut through administrative fiat. Those kinds of changes should come to Congress, and we have put those protections in place.

As Senator LOTT recommended, we have upgraded the status of the whole agency. The head of the new agency will be the equivalent of a Deputy Secretary and will have the clout and the stature that is needed to deal with other agencies. We have done enormous reforms. This version of an emergency management agency will have authorities that the current FEMA has never had. In addition, we restored the preparedness and the grant-making functions, and I think we have come up with a very good product.

So I want to thank my colleague and friend from Mississippi for his considerable contributions to this amendment, and I am very grateful that he was willing to sit down and find—as he put it—a third way and, indeed, I believe, a far better solution. So I thank him for his support.

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. GREGG. 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. GREGG. Mr. President, we are working toward getting an agreement. For the edification of Members, if we can work that out, we will have two votes in approximately an hour, but that is not necessarily going to happen.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak for 20 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4563

Mr. AKAKA. Mr. President, I call up amendment 4563 on behalf of Senator CLINTON, myself, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mrs. CLINTON, Mr. LEAHY, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI, proposes an amendment numbered 4563.

Mr. AKAKA. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD under ''Text of Amendments.'')

Mr. AKAKA. Mr. President, I rise today to propose an amendment for myself and my good friend from New York to restore the Federal Emergency Management Agency—FEMA—to its proper place as an independent agency.

Before I speak on our amendment, I would like to thank the chairman and ranking member of the Homeland Security and Governmental Affairs Committee for their hard work on this issue. We disagree on this one point, but I appreciate all they have done over the past year to ensure that the failures of Hurricane Katrina are never repeated.

As my colleagues on the Homeland Security and Governmental Affairs Committee know, the placement of FEMA in the Department of Homeland Security—DHS—is a subject that has troubled me since the concept of the Department was first debated in 2002. As a senior member of this committee, I can tell you that the structure of Federal agencies matters. Combining too many disparate functions some of which have nothing to do with homeland security into one agency can be unworkable, which is a primary reason why I voted against the creation of DHS.

Some say reinstating FEMA's independence now is brash and premature. Respectfully, I could not disagree more. To me, it was premature to place FEMA within DHS, a huge, terrorism-focused agency, where FEMA's traditional mission of responding to disasters would be neglected. The FEMA of yesterday has been downgraded, dismantled, and demoralized which I believe contributed to the muddled response to Hurricane Katrina.

DHS failed as a department during Hurricane Katrina and failed to give FEMA the opportunity to succeed. During the Committee's Katrina hearings, we heard numerous examples of information and initiative getting lost in DHS during the Hurricane Katrina response. Witnesses described sending information updates and requests out to the Department, never knowing where those messages went or if requested action had been taken. DHS was a black hole where information and accountability were lost.

Since FEMA was folded into the Department, FEMA has been deprived of funding and resources. FEMA has been forced to transfer significant resources to other parts of the Department. In 2003 and 2004, $169 million of FEMA's funding was transferred to DHS, in part because of lost programs, but also because of a so-called management tax to help pay for shared services within the Department.

Congress and the American public never knew about these funding shortfalls because FEMA was buried within DHS. Former FEMA Director Michael Brown testified that instead of taking FEMA's budget proposal to the President, he was required to clear the budget through another Undersecretary at DHS, then the Secretary, and then the President.

With a loss of funding and programs, came a loss of staff. FEMA's staff has been reduced by 500 positions since 2003. And within the existing positions at FEMA, there has been a 15 to 20 percent vacancy rate over the past few years.

FEMA needs to be an independent, Cabinet-level agency to avoid having its budget and staff siphoned off for other activities within the Department. Restoring the FEMA Director to the President's Cabinet will better serve America. Restoring FEMA's place at the table will ensure transparency and accountability while allowing the Director to present funding needs directly to the President. In 1996, recognizing the importance of emergency response, President Clinton elevated the FEMA Director position to the Cabinet level. Former FEMA Director James Lee Witt said being a member of the President's Cabinet allowed him to task other Federal agencies more effectively during disasters and provided an established and direct line of communication to the President.

There are those who argue that FEMA needs to remain in DHS so that the Department's other personnel and assets can be accessed more readily. This is a hollow argument because under the Stafford Act, FEMA has the authority to utilize resources across the Federal Government during a disaster. The Stafford Act allows FEMA to task Health and Human Services, the Department of Transportation, the Department of Defense, and many other Federal agencies during disasters. Should all those entities be incorporated into DHS as well? There is no reason the same mission assignment procedure cannot be applied to DHS assets as well.

Separating FEMA from DHS not only will improve FEMA's ability to manage preparedness and response, but it also will allow DHS to focus on its mission to prevent a terrorist attack. DHS cannot be all things to all people.

The dedicated public servants of FEMA agree. The American Federation of Government Employees—AFGE—which represents 1,200 FEMA employees, strongly endorses an independent

FEMA. AFGE's June 13, 2006, letter to Congress states:

(T)he merger of FEMA into DHS may have sounded good in theory, but in reality it has proven to be impractical and counterproductive. When Hurricane Katrina struck the U.S., the DHS structure simply imposed an extra layer of bureaucracy on top of FEMA, and wound up impeding, not assisting, the response.

Former FEMA Director Witt also believes FEMA does not belong in DHS. In a recent editorial, he stated:

Though most agree FEMA must be mended, we don't have the luxury of gambling with another experimental restructuring of the department. And why gamble when a simple reversion to its pre-2001 incarnation would fix the problem? . . . As it stands under today's DHS structure, annual hazards such as hurricanes, floods, and tornados are allowed a 25 percent focus, even though they have a 100 percent probability of occurring at some point. An independent FEMA would again give all disasters 100 percent of its attention.

I agree with Mr. Witt. Fortunately, since DHS was created, there has not been another terrorist attack in the U.S. although there have been over 100 Presidentially-declared natural disasters. I support ensuring the U.S. is prepared for a terrorist attack, but we should not forget that natural disasters are guaranteed to occur every single year.

Mr. President, we have tried the superagency approach, and now it is time to get back to basics. I ask my colleagues to think about what is practical when they cast their vote on our amendment. Our constituents should feel confident that FEMA and its resources will be there in their time of need.

I urge support for our amendment. I yield back my remaining time.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank my colleague, the Senator from Hawaii, who has been a strong voice on behalf of our Nation's security and joins with me in putting before the Senate one of the most important issues we face: How will we manage our emergency preparedness and response?

I have the greatest respect and regard for my colleagues, Senator COLLINS and Senator LIEBERMAN. They have done an extraordinary job in leading a committee that has had so much responsibility over the last months for the well-being and the homeland security of our Nation. I respectfully disagree with the solution they are putting forth, but I know it comes after not only many hearings but incredible thought and extraordinary attention to the details about how best to rescue the situation in which we find ourselves.

We had a functioning, effective Federal Emergency Management Agency 5½ years ago. By all accounts, on all sides of the political spectrum, we had a crown jewel, an agency where performance was highly regarded not only in our own country but literally around the world. Unfortunately, that agency became a victim of the governing philosophy of the current administration.

We have seen, in stark terms, the failures of the existing Federal Emergency Management Agency, so-called FEMA. We saw it in the disastrous failures in the days and weeks, continuing until this day, along our gulf coast when people lost everything—their homes, their neighborhoods, their churches, even their loved ones. Our Nation lost something precious as well: we lost faith in our Federal Government and in the response capabilities of the organization that until 5½ years ago we could count on.

When we created the Department of Homeland Security after September 11, I warned, along with others, that moving FEMA into that large bureaucracy was a mistake. I said that on the basis of what I thought was the mission of the Department of Homeland Security, which was, first and foremost, to deal with the potential for terrorism and to deter and prevent terrorist attacks like the horrific attacks of September 11.

The decision was made to move FEMA into the Department of Homeland Security, and my worst fears came true. It became a stepchild. It became a holding pen for political cronies. It was no longer viewed as the crown jewel of the Federal Government but as a stepchild that did not really deserve the attention and the resources of this administration. Our worst fears about what would happen to FEMA in the Department of Homeland Security came true when we saw the images on television coming out of New Orleans and up and down the gulf coast.

I applaud Senator COLLINS and Senator LIEBERMAN for the extraordinarily thorough investigation they did. We got even more sickening detail of e-mails from FEMA officials at the time the disaster struck, what their concerns were—which were hardly focused on saving the people who were suffering. We have seen thousands of people displaced. We see 10,000 mobile homes sitting empty at the Hope, AR, Municipal Airport, and on and on. We have a GAO report that says there may have been up to $1 billion—yes, that is billion with a ''b''—$1 billion in Federal assistance that has been misspent.

It is not only the facts about Katrina that bring me to urge we restore FEMA to an independent status, give it back Cabinet-level access, make it independent of the behemoth that the bureaucracy of the Department of Homeland Security has become, but it is also my worry about the future.

Hurricane Katrina was a foreseen disaster. We watched it on the Weather Channel. We saw it coming across the gulf. It was not a sneak attack by suicide bombers in airplanes, it was a huge storm. I worry, as incompetent as FEMA has become, how would they handle the unforeseen?

It is tragic to me that we have come to this position, and I think the new leadership at FEMA is laboring mightily to try to turn the situation around. But I worry it will be impossible, if FEMA stays within the Department of Homeland Security. If it stays within the Department and is renamed and reconfigured, I do not think that eliminates the primary problem, which is that it is stuck in a department with a focus and mission that cannot help but be to try to prevent and deter terrorist attacks. Believe me, I am all for that. We are about to come up on the fifth anniversary year of the attacks of 9/11.

Although I really respect what Senators COLLINS and LIEBERMAN are trying to do, I think they are trying to fit a square peg into a round hole. They are stuck with the Department of Homeland Security, and so they are trying to figure out a way to shoehorn it in, to detour around the dysfunctional organization and leadership that the Department has. And I do not think that will work.

The amendment Senator AKAKA and I and others have offered would do three things: first, reinstitute FEMA as an independent Cabinet-level agency; second, require the Director and Deputy Director to have the appropriate emergency service qualifications; and third, require the FEMA Director to report directly to the President of the United States.

During Katrina, who was in charge? Was it our President? Was it the Secretary of the Department of Homeland Security? Was it the FEMA Director? I do not know who it was. And one of the problems is that no one was. If we just sort of move the deck chairs on the Titanic, I do not think that solves the problem.

FEMA's response capabilities have been degraded since Katrina even, because people are not there. They are not able to have the same sense of morale and commitment. When you look at all the reports that have been done—one from the White House, one from the Senate, one from the House, as well as the various reports from the Government Accountability Office—you can see all of the things that went wrong. Unfortunately, these reports have not been coordinated, and it is very difficult to figure out how we are going to get ourselves back on the right track with a functioning world-class FEMA, and I just do not believe the answer is for it to operate as a subagency within the Department.

Now, I know there are those who are rightly concerned that if we take FEMA back to an independent status, then we will have duplicative efforts, we will not have coordination. I think the amendment tries to specifically say this does not detract in any way from the Department of Homeland Security's mission to secure the homeland. But I believe having it back in an independent status, with full accountability to the President, statutory authority under the Stafford Act to carry out all of the necessary mitigation, response, and recovery actions, is the way to go. If under our amendment we

make FEMA report directly to the President, then the FEMA Director will have more authority under Stafford Act designation than if he is a sub-Cabinet official within DHS.

My bottom line is we should get FEMA back to a functioning, effective agency again, and there is a difference of opinion about how best to do that. Obviously, we are back in hurricane season. We do not want to do anything, either within a reorganization or an independent status, that would further disable FEMA from responding. But if we reempower FEMA, restore its independence, and staff it with qualified people, we will be back on the right track.

We have a regional structure for FEMA, and it is not clear from the proposal from the committee how that will work, who appoints those regional directors, who has to be in charge. I do not want people exchanging business cards at the site of a disaster, which is what has been happening. I believe we have to build on the strong track record FEMA had during the 1990s.

I know the committee has said this would be comparable to the Coast Guard, but I think that is a slightly different role and mission. The Coast Guard is a military, multimissioned maritime service. It is one of our Nation's five armed services. Its mission is to ''protect the public, the environment, and U.S. economic interests—in the nation's ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.''

They did a superb job with respect to Katrina and Rita. But FEMA has a different role. It is supposed to be managing dollars of considerable numbers in advance of catastrophic events, coordinating Federal agencies, carrying out the President's statutory authority for emergency response. It is supposed to be the go-to entity for full management.

I believe we have a better chance of getting back the FEMA we should have, that the people should be able to count on, that can work with State and local governments, that can help to mitigate disasters, by returning it to independence.

So, Mr. President, I ask our colleagues to support the amendment to restore FEMA to an effective, independent, Cabinet-level agency once again and send a message to the country that FEMA is back—it is back, it is ready for business, and people can have trust in it once again.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, in deciding how to vote on this issue, I would encourage our colleagues to consult the experts, the first responder organizations that overwhelmingly support the Collins-Lieberman-Lott-Carper approach and do not support the amendment that has been proposed by my colleagues from New York and Hawaii.

For example, the International Association of Fire Fighters, which represents 270,000 professional firefighters and emergency medical personnel, has endorsed the Collins-Lieberman-Lott-Carper amendment and says this about the alternative approach we have just heard described:

> We believe that proposals to return FEMA to its status as an independent agency would hinder efforts to reform our nation's emergency response system. Removing FEMA from DHS would create competing agencies, sowing confusion among emergency responders. Furthermore, such an approach would undermine an all-hazards approach, leading to the perception that DHS deals with terrorism while FEMA is in charge of natural disasters.

That is what the International Association of Fire Fighters says.

Other groups, such as the Major Cities Chiefs Association, say something very similar; the National Troopers Coalition, the National Association of Police Organizations, Advocates for EMS—the list goes on and on and on. The fact is, those who put their lives on the line, who are on the front lines of emergency response, say it would be a colossal mistake to take FEMA out of DHS, to sever that connection.

Does the Senator from New Hampshire wish for me to yield the floor?

Mr. GREGG. If the Senator would yield so we could enter into a unanimous consent agreement. I believe we have reached an agreement where we can proceed to lock in the vote on the Senator's amendment and the amendment offered by Senator AKAKA and Senator CLINTON.

Mr. President, the request is as follows: I ask unanimous consent that at the conclusion of the Senator's remarks, Senator LAUTENBERG be recognized for 15 minutes, and that at the conclusion of his remarks, we would go to a vote on Senator COLLINS' amendment, with no second degrees being in order—and there would be 2 minutes equally divided prior to that vote—and that at the conclusion of the vote on Senator COLLINS' amendment, we would go to a vote on the amendment offered by Senator AKAKA and Senator CLINTON, with 2 minutes equally divided prior to that vote——

Mrs. MURRAY. With no second degrees.

Mr. GREGG. With no second degrees and no points of order against either amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. That would mean—how long will the Senator probably be speaking?

Ms. COLLINS. Fifteen minutes.

Mr. GREGG. So that would mean the votes would begin at around 6:15, one would presume.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, those who are on the front lines—our police associations, our firefighters associations, the emergency medical personnel organizations—have all endorsed the approach we have suggested. This approach would strengthen FEMA but leave it within the Department of Homeland Security so we can establish a comprehensive all-hazards approach to emergency management.

We do not want to take FEMA out of the Department in the way particularly that Senator CLINTON's and Senator AKAKA's amendment would entail. I refer my colleagues to page 7 of their amendment, section 612, ''Transfer Of Functions.'' This provision says the functions FEMA has as of the date of enactment should be transferred to the new agency. Well, let me tell you what that means. That means that preparedness would still be separate from response despite the fact that the experts agree that one of the reasons for FEMA's weak performance was the separation of preparedness from response—two sides of the same coin that should be together in one agency. Yet the Clinton-Akaka amendment keeps preparedness within the Department of Homeland Security and only has the response functions going to the new independent agency that they would propose.

Our bill consolidates the grant-making for preparedness—that is billions of dollars of preparedness grants—we would put in the new FEMA. Infrastructure protection, the national communications system, the chief medical officer, the cybersecurity office all would be in this new agency which we call the U.S. Emergency Management Authority. So we are not simply leaving FEMA within the Department of Homeland Security; we are strengthening, reforming, and upgrading FEMA so it can be effective.

I must say, I am at a loss why the proponents of the alternative approach want to take a FEMA that everyone deems is inadequate and has poorly performed, take this shell of an agency that has been stripped of many of its essential functions and cast it adrift by making it an independent agency. That approach makes absolutely no sense at all.

If the problem were FEMA's location, then why did the Coast Guard do such a stellar job in performing in response to Hurricane Katrina? By all accounts, the Coast Guard's preparedness and its response were superb. It pre-positioned its assets, it responded quickly, and it rescued some 35,000 people.

If the problem, in fact, were the location of the agency, then how did the Coast Guard manage to do such a good job? It is part of the Department of Homeland Security. Obviously, that is not the issue.

What we have done in our proposal is give the new emergency management agency the same kinds of protections that the Coast Guard has within DHS. No longer could the agency's mission be altered or its assets stripped away or could it be reorganized. You would have to come to Congress to do that. The issue is how can we best create a

strong emergency management agency. That is the question that our proposal answers. It stresses giving FEMA back the authorities that were stripped away. It emphasizes giving it new authority so that it can be a strong, all-hazards agency. It elevates the stature of the appointees. It requires them to have relevant experience for those positions. It gives it the tools to do the job effectively. It protects it from reorganization. It makes the head of the new agency the principal adviser to the President on emergency management, but it allows it to have all the advantages of being part of the Department of Homeland Security, the advantage of a close relationship with the Coast Guard, a close relationship with the law enforcement agencies that are within DHS.

Taking the weakened version of FEMA and casting it adrift and thinking that somehow that is going to solve the problem flies in the face of the 23 hearings that we held to get to this solution, the 838,000 pages of evidence, the 325 people we interviewed, and the expertise of the first responder community. It would be a terrible mistake.

The Hart-Rudman commission 5 years ago said FEMA is the essential core of DHS, and they are right. If FEMA were pulled out of DHS, DHS would be forced to create a very similar, costly, duplicative agency in order to handle a response to terrorist attacks. It makes no sense to have one agency that deals with natural disasters and another agency within DHS that deals with the response to terrorist attacks. If the levees in New Orleans had been bombed rather than breached, the same challenges of evacuation, sheltering, and caring for individuals would have been present. It makes no sense and will be extremely costly—to the tune of billions of dollars, according to Secretary Chertoff—for us to have to recreate within DHS essential capabilities that DHS will need if FEMA is taken out of the Department.

I am reminded during this debate of a saying by H.L. Mencken that for every problem there is a solution that is neat, plausible, and wrong. Taking FEMA out of the Department of Homeland Security is wrong. At first blush it may look like the easy solution. But after looking at this issue for more than 8 months, it is not the solution. I hope our colleagues will listen to the true experts, our first responders and their organizations warning that this would be a disaster, that it would force them and State and local emergency managers to have to deal with two agencies, two sets of regulations, depending on whether or not this was the result of a terrorist attack or a natural disaster. That is contrary to the all-hazards approach that the experts have encouraged us to take.

The Homeland Security Council, a very prestigious group of private sector businesses and experts, conducted its own 6-month review of what went wrong with the preparedness and response to Hurricane Katrina. It, too, concluded that DHS preparedness assets and FEMA need to be more closely aligned, not split apart into two separate agencies.

I am going to reserve the remainder of my time. It is my understanding Senator LAUTENBERG will be speaking on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, since Senator LAUTENBERG has not arrived, I am going to continue to expound on why the Collins-Lieberman-Lott-Carper amendment should be agreed to and the Clinton-Akaka amendment should be rejected.

As I look at this issue, I realize that people look back at FEMA with rose-colored glasses. There is this myth of the golden age of FEMA. Indeed, FEMA in the past has had some talented leaders which proves my point that this really is about leadership more than anything. Clearly, Michael Brown was an abysmal failure as FEMA's leader. There is unanimity on that as well. But the fact is, when FEMA was an independent agency, it also experienced severe problems dealing with major disasters.

If you look at the GAO and other reports, and, indeed, the hearing records before the committee I now chair back after Hurricane Andrew in 1992, you could take out the word ''Andrew'' and substitute ''Katrina,'' and you would get exactly the same indictment. In the hearing after Hurricane Andrew, my colleague, Senator AKAKA, noted the difficulties that FEMA has had with response to catastrophic disasters. It is those catastrophic disasters, the fact is, that FEMA has never been able to handle, both when it was independent and when it was in DHS.

Our committee's bipartisan recommendation seeks to correct that problem by creating an agency with the capabilities for the first time to manage catastrophic disasters.

The Government Accountability Office found that FEMA's response to Hurricane Andrew in 1992 ''raised serious doubts about whether FEMA is capable of responding to catastrophic disasters.'' This is when FEMA was an independent agency. In particular, the GAO said that ''the Federal strategy for response lacked provisions to assess damage, the needs of victims, to provide food, shelter, and other essential services when the needs of victims outstrip State and local resources.''

You could apply exactly the same words to what happened after Katrina. What we need is to build an agency that does have the capacity to respond to not just small- and medium-sized disasters but to true catastrophes. That is what our bill would do. We would have a stronger agency, better led, better organized, with new authorities and powers that FEMA has never had. We would give it the resources to be effective.

Another important part of our amendment that, again, the Clinton-Akaka amendment completely lacks is the creation of regional strike teams that would be located in regions of the country and have representatives of all the Federal agencies that are involved in responding to a disaster. These strike teams would plan, train, and exercise with their State and local counterparts and with private sector groups that are involved in responding to a disaster such as the Red Cross and the Salvation Army. That is the kind of approach we need to be effective. We should have people in the region who already know the local officials, the vulnerabilities, the weaknesses, the strengths, the capabilities of the State and local systems, and can make sure that there are effective plans in place. We don't have that now.

When Katrina struck, people were sent from region 1 in New England down to New Orleans and Mississippi to help out. They didn't know the people. They didn't know the geography. They didn't know the culture. They didn't have that much experience in dealing with hurricanes. That doesn't make any sense at all. We should have regionally based teams that can work with their partners at the State and local level and in the private sector. I am talking about working not just with the nonprofits such as the Red Cross and Salvation Army but also with the private sector, such as the local utility companies. That is an important partner as well. Instead, what we found with Katrina were problems in credentialing utility workers and other private sector workers so they couldn't, in some cases, gain access to the disaster area.

We have given a lot of thought to how to do this right. This wasn't cobbled together overnight. It avoids the simplistic solution, which is no solution at all, of just saying: Let's take this weak, dysfunctional agency, this discredited agency, cut it loose from DHS, and somehow all will be well.

All will not be well. In fact, it would be a disaster to have FEMA, with its very limited current authorities, cast off as a separate agency.

Thad Allen said it well when he pointed out that since FEMA and the Coast Guard have been part of the same Department, there has been a 350-percent increase in joint training. That is what we want. We don't want a bureaucratic structure. We want people to plan, train, and exercise together. If they are in different agencies, that is not going to happen. FEMA is not going to have the advantage of working closely with those relevant agencies within the Department.

Another problem of the Clinton-Akaka amendment is that it would leave the preparedness functions in the Department of Homeland Security. I suspect I know why they did that. They did that because they realize the Department of Homeland Security has to have those preparedness functions. It needs to be able to prepare to respond to a terrorist attack. So they kept that function there.

But how does it make sense for FEMA to be only a response agency? That is what led us to the failed response to Katrina. Preparedness had been stripped off from FEMA. So this makes no sense at all.

Another criticism has been that FEMA lacks right now the authority to award preparedness grants. Yet the Clinton-Akaka amendment keeps that problem. It would keep the preparedness grants that go to State and local governments in the Department of Homeland Security, and yet would have this agency, FEMA, which is supposed to be working with State and local governments, with no authority over the funding for preparedness. That doesn't make any sense either.

I hope this body will recognize that the Homeland Security Committee has done a great deal of work. I hope they will listen to these first responder groups who say: Keep FEMA within DHS, but make it work. That is exactly what our amendment would do.

I see that the Senator from Connecticut has come to the floor. I would like to yield to him, if that is acceptable with the manager of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, as I understand the time agreement, the Senator from Maine had no limitation on her time, but at the conclusion of her remarks, the Senator from New Jersey was to be recognized for 15 minutes. If her remarks are completed, the time will begin to run against the Senator from New Jersey. It will take a new unanimous consent request, I suspect, to yield to the Senator from Connecticut.

How much time does the Senator from Connecticut wish?

Mr. LIEBERMAN. I would just say amen to everything Senator COLLINS has said, but I will speak for 5 minutes.

Mr. GREGG. If there is no objection, I ask unanimous consent that the Senator from Connecticut be recognized for 5 minutes, then the Senator from New Jersey be recognized for 15 minutes, and then the vote occur 20 minutes from now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I come to the floor to quite literally say amen to everything Senator COLLINS has said on behalf of our amendment and in respectful opposition to the amendment that Senator CLINTON has proposed.

We had a disaster, a catastrophe last year in Hurricane Katrina that was natural, and then we had a manmade disaster which was the shockingly inadequate response of the Federal, State, and local governments to that catastrophe that was called Katrina. So our committee spent months investigating, told the story, and considered what we could do to make sure nothing like the Federal Government's inadequate, incompetent reaction and response ever occurred again.

We considered the responsibility that some have raised of taking FEMA, or a replacement agency such as we are proposing, out of the Department and making it independent again. But it made no sense to us. If you have a Department of Homeland Security, which is supposed to be our major Department to prepare for and respond to disasters, natural and manmade, then why would we want to take the emergency management agency, which is all about responding to disasters, natural and terrorist, out of that Department? It would be, as I said at one of our hearings, like taking the U.S. Army out of the Department of Defense because you were not happy with the management of the U.S. Army, so you take it out. Or you had memories that there used to be a Chief of the Army who was good in a different time way back when it was independent, and you make it independent. It makes no sense. It is inefficient. I am afraid it would compromise the ability of our Government to prepare for and respond to another disaster.

In some ways, this is a comparison between James Lee Witt and Michael Brown. I will be real specific about it. I am happy to say in public that James Lee Witt did a great job, and Michael Brown did not, particularly in Katrina. That shouldn't lead us to think that going back to the time when FEMA was independent and James Lee Witt was the Director would solve all of our problems.

FEMA, under James Lee Witt, as good as he was—and he was very good—never faced a catastrophe such as Katrina. We heard testimony to this effect from people in the Department, from inspectors general, from outside authorities that FEMA never, no matter how good James Lee Witt was, could have independently given an adequate response to a catastrophe such as Hurricane Katrina or, God forbid, a catastrophe such as a significant terrorist attack. That is why we kept FEMA, our new USEMA, in the Department of Homeland Security.

We have strengthened it considerably. Senator LOTT, who was an initial cosponsor of the amendment to take FEMA out of the Department of Homeland Security, is now with us on keeping it in the Department because we made some significant changes. We gave the U.S. Emergency Management Agency that we would create, USEMA, the special legal status that only the Coast Guard and Secret Service have within the Department of Homeland Security. That means it cannot be changed except by statute. No executive action can change its status.

We also made clear that during a time of crisis, though the head of the U.S. Emergency Management Authority normally reports to the Secretary of Homeland Security, that person reports directly to the President of the United States.

I happen to have joined with Senator SPECTER, my friend and colleague from Pennsylvania, in introducing the original legislation to create the Department of Homeland Security. We did it a month or two after 9/11 because we felt we had entered a new age. We had been attacked here at home, innocent citizens were killed by terrorists, and we needed a whole new structure to prepare to defend the American people against similar attacks in the future—our enemies are still obviously out there—and to respond to those attacks.

We built our proposal on the work of an independent commission headed by our former colleagues Warren Rudman and Gary Hart. They said loudly and clearly that FEMA must be the heart of this new Department if it is to adequately protect the American people from disaster or terrorism.

It would be a profound mistake to take it out. That is why I urge my colleagues to support the amendment that Senator COLLINS and I are offering with Senator CARPER and Senator LOTT, and to oppose the amendment of Senator CLINTON.

I thank the Chair, and I yield the floor.

Mr. President, I saw Senator LAUTENBERG come into the Chamber. I do not see him now, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized for 13 minutes 25 seconds.

Mr. LAUTENBERG. Mr. President, I listened with interest to the Senator from Maine, the chairperson of the committee on which we both serve. I am trying to figure out why a name change might be part of the plan to try to make FEMA a more efficient agency. I think we are chasing our tail around the tree because I don't see how we can do it under the present structure.

I want to start at the beginning. I don't plan to take all the time that is available. I would like to go back a little bit.

When we look at the structure of DHS, the Department of Homeland Security, we see the complications that exist even today with its general functioning: Are the screeners doing an effective job? Do we have too many?

They were once publicly owned groups across the country, and they were doing a poor job. Then we brought them into the Government and their performance improved substantially. Now there is talk about whether we ought to put them back into private hands.

I think about the task of Secretary Chertoff—and Secretary Chertoff is someone I know very well and for whom I have a great deal of respect—when we look at the assignment—22 Departments, 180,000 people, budgets that are insufficient to start with, and then the squabbling, the arm wrestling that has to take place within the Department to try and get FEMA enough money. It just doesn't make sense to have this Department of Government surrounded by the rest of the structure that is so complicated within DHS.

There was a time when FEMA was called upon to act as a result of natural disasters, and they did it very well. James Lee Witt was the head of FEMA. In 1993, we had what was the equivalent of a 100-year flood in Mississippi, and FEMA acted professionally and efficiently and got the job done. Then we had the Northridge earthquake which was one of the worst disasters we have seen. Once again, FEMA stood up to the task and did it efficiently and responded very promptly to get that done.

I, for one, believe, as does the Senator from New York, Mrs. CLINTON, that FEMA ought to be removed, ought to be independent, and to give it a chance to fight for its own budget, to make its own case, to be able to have direct contact with the President's office.

When we think about it, we worry an awful lot about a terrorist attack on our soil, and we should, and we should fight to protect our citizens from the consequences of that kind of an event. But, also, when we look at what happened with natural disasters and the significant—just look at Katrina and see what has happened there. There is a whole sector in our country that has yet to recover.

We are going to be at the first anniversary of Katrina in less than 2 months, and there are still people living in unacceptable conditions, still the restoration has not taken place—the theft, the waste, the fraud that has taken place there, and we look and we say: What has happened here? Why isn't it better? It isn't better because the structure doesn't permit it to get better with any degree of ease. In my view, FEMA has to be a separate department, as it once was, to be able to function as it once did under a different kind of leadership.

Who can forget the consequences of the first strike of the storm when the President of the United States was busy in California. He didn't visit the scene until a couple of days had passed, and he did that from 30,000 feet in the air and called it a devastating sight and gave congratulations to Mr. Brown: Brownie, heck of a job.

Did the President not know what he was saying or did he make a mistake? The fact is, there was so much confusion with the communications links that it was almost impossible to decipher what was going to happen, who was responsible, who was out to dinner when they were crying for help in the various communities, until someone reached over the top, went past the organizational structure, and got to the President's office. Then things began to happen. And they didn't happen very efficiently, nor did they happen thoroughly.

I think if we separated FEMA from the Department of Homeland Security, it would give our new director—who holds high hope, I think, for all of us; he is a competent person. He has experience before he came to FEMA. He has a very positive background for this kind of job. He is new on the job, and I think it would give him a much stronger hand in the annual battle over the agency's budget and appropriations. Obviously, then, it would free FEMA of several layers of bureaucracy at DHS and make it easier for the agency to do its job.

We talk so often around here about the bureaucracy and how tough it is to work your way through it. But here we have this critical agency, the agency that has more direct responsibility for our national security within our boundaries, on our land, than any other agency, and we keep it as a part of a total mechanical structure that says: OK, make sure you get A, B, C, and D. I think that is the wrong approach to having FEMA do the job we want it to do.

It is obvious that FEMA was weak and ineffective and showed a great deal of incompetence. What we want to do is streamline the agency as much as we can, and this is an opportunity to do just that. We are not going to rely on picking friends—cronies, if I can use the term, political campaign workers—to do this job and expect to have it succeed. That is not the way you take a position like this and have it be able to do its job, the job of jumping in there in the middle of a natural disaster of people searching for relatives, searching for a way out. What do you do to replace a reasonable living condition for them? It is a very tough job.

I think FEMA's subservient position inside DHS has contributed to low morale and the loss of qualified professional staff, and it is difficult attracting experienced personnel back to the agency. The agency has lost so much of its former excellent reputation that people are not anxious to go to an agency like that.

So I think the way we have to do it is the way Senator CLINTON and I and others are supportive of, which is the separation of FEMA from the Department. Separate FEMA. Let it stand on its own two feet. Let it strive for its own budget. Let it hire its personnel under its own structure and give it the responsibilities that it deserves and the resources that it needs.

So I hope at this point that people will vote against the amendment Senator COLLINS has presented and support the Clinton amendment that calls for FEMA to be separated from DHS, stand alone, and let it make its case.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I urge my colleagues to support the approach offered by the Senator from Connecticut, Mr. LIEBERMAN, and Senator LOTT, Senator CARPER, and myself, and reject the approach offered by Senator CLINTON and Senator AKAKA.

Senator CLINTON said earlier that we are rearranging the deck chairs on the Titanic but, in fact, that is what her amendment does. It takes the weak FEMA that we have now and moves it outside of the Department with no new personnel, no new function, no new authorities, no new funding, no infrastructure protection responsibilities, no new communications assets, no new medical assets, no new cyber-security assets.

That is exactly contrary to the approach that we have taken. We have built a new FEMA within the Department with strong authorities—authorities that FEMA has never had—to allow it to respond effectively to a disaster, regardless of its size. We create a new regional structure that will improve the management and the relationship with State and local governments. That is why the first responder groups are all supporting the Collins-Lieberman amendment, and I hope my colleagues will, too.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. Mr. President, I yield back the time in opposition, and I ask for the yeas and nays on the Collins amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN) and the Senator from Pennsylvania (Mr. SANTORUM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—87

Alexander	Byrd	Crapo
Allard	Cantwell	Dayton
Allen	Carper	DeMint
Baucus	Chafee	DeWine
Bayh	Chambliss	Dodd
Bennett	Coburn	Dole
Biden	Cochran	Domenici
Bingaman	Coleman	Dorgan
Bond	Collins	Durbin
Brownback	Conrad	Enzi
Burns	Cornyn	Feingold
Burr	Craig	Feinstein

Frist	Lincoln	Salazar
Graham	Lott	Sarbanes
Grassley	Lugar	Sessions
Gregg	Martinez	Shelby
Hagel	McCain	Smith
Harkin	McConnell	Snowe
Hatch	Menendez	Specter
Hutchison	Mikulski	Stabenow
Inouye	Murkowski	Stevens
Isakson	Murray	Sununu
Johnson	Nelson (FL)	Talent
Kennedy	Nelson (NE)	Thomas
Kohl	Obama	Thune
Kyl	Reed	Vitter
Landrieu	Reid	Voinovich
Levin	Roberts	Warner
Lieberman	Rockefeller	Wyden

NAYS—11

Akaka	Inhofe	Leahy
Boxer	Jeffords	Pryor
Bunning	Kerry	Schumer
Clinton	Lautenberg	

NOT VOTING—2

Ensign	Santorum

The amendment (No. 4560) was agreed to.

AMENDMENT NO. 4563

The PRESIDING OFFICER. There is 2 minutes equally divided on the Clinton amendment.

The Senator from New York.

Mrs. CLINTON. Mr. President, the recently passed amendment did try to improve upon the status quo, and I commend Senators COLLINS and LIEBERMAN for attempting to do so. But the answer is we need to restore the independence of FEMA. We need to give back to it Cabinet-level status with a direct line to the President. My amendment will allow us to do that. I urge you to vote for this amendment even if you voted for the last amendment because it improves the status quo vote which gets us back to the kind of independent FEMA that can actually respond to disasters and mitigate and help us prepare for them.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time in opposition?

Ms. COLLINS. Mr. President, the Clinton-Akaka amendment does nothing to strengthen FEMA. It takes a weak FEMA and casts it adrift as an independent agency. It is not the answer. My colleagues, you have just voted for the right reform. I urge opposition to the Clinton amendment, as do all the first responder groups.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. CLINTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN) and the Senator from Pennsylvania (Mr. SANTORUM).

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 66, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—32

Akaka	Inhofe	Mikulski
Baucus	Inouye	Nelson (FL)
Boxer	Jeffords	Obama
Clinton	Kennedy	Pryor
Conrad	Kerry	Reed
Dayton	Kohl	Reid
Dodd	Landrieu	Rockefeller
Dorgan	Lautenberg	Sarbanes
Durbin	Leahy	Schumer
Feingold	Lincoln	Stabenow
Feinstein	Menendez	

NAYS—66

Alexander	Craig	Martinez
Allard	Crapo	McCain
Allen	DeMint	McConnell
Bayh	DeWine	Murkowski
Bennett	Dole	Murray
Biden	Domenici	Nelson (NE)
Bingaman	Enzi	Roberts
Bond	Frist	Salazar
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Byrd	Harkin	Specter
Cantwell	Hatch	Stevens
Carper	Hutchison	Sununu
Chafee	Isakson	Talent
Chambliss	Johnson	Thomas
Coburn	Kyl	Thune
Cochran	Levin	Vitter
Coleman	Lieberman	Voinovich
Collins	Lott	Warner
Cornyn	Lugar	Wyden

NOT VOTING—2

Ensign	Santorum

The amendment (No. 4563) was rejected.

Mr. GREGG. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, parliamentary inquiry: Is the Feinstein amendment the pending business?

The PRESIDING OFFICER. The Feinstein amendment is the pending question.

AMENDMENT NO. 4577 TO AMENDMENT NO. 4556

Mr. CORNYN. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4577 to amendment No. 4556.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for immigration injunction reform)

At the end of the amendment, add the following:

SEC. 541. IMMIGRATION INJUNCTION REFORM.

(a) SHORT TITLE.—This section may be cited as the ''Fairness in Immigration Litigation Act of 2006''.

(b) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or

continue a consent decree that does not comply with paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term ''consent decree''—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion under subsection (b)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (b)(2)(B). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (b)(2)(B)(iv).

Mr. CORNYN. Mr. President, this amendment is designed to end a decades-old, obsolete Federal court injunction designed to impede the Department of Homeland Security's use of expedited removal and enforcement of our immigration laws.

In 1988, a Federal court in Los Angeles issued a permanent, nationwide injunction that requires immigration authorities to afford detained Salvadorans a host of substantive and proposal rights—rights afforded to literally no other immigrant group.

Largely as a result of this 1988 Orantes injunction, Salvadorans have now become the single largest component of what is known as OTMs or ''other than Mexican'' immigrants.

Both the border tunnel amendment that Senator FEINSTEIN has offered and my immigration injunction second-degree amendment deal with illegal immigration and are designed to deal with criminal activity. They go together well because they both close border vulnerabilities that are being exploited by gangs and smugglers.

The injunction amendment passed as an amendment in committee, and there has been little opposition. It is currently in the compromise bill endorsed by a majority of Senate Democrats.

The amendment requires courts to narrowly tailor injunctive relief orders against the Government in immigration cases and to take into account national security, border security, public safety, and immigration enforcement concerns.

Decades-old, obsolete Federal court injunctions continue to impede the Department of Homeland Security's efforts to enforce our immigration laws.

For example, if you look at June of 2005 through February of 2006, you can see why this specific injunction, which impedes the use of expedited removal when it comes to immigrants from El Salvador, is such a problem and why this amendment is necessary.

For example, in June of 2005 there were some 4,181 Brazilians subject to apprehension. At the same time, there were roughly the same number of El Salvadorans: 4,011. But because of the improvements in expedited removal and immigration law enforcement inso far as it relates to Brazilians—not subject to the Orantes injunction that impedes the use of this important procedure—we saw the number of Brazilians drop from 4,181 in June of 2005 to 72 in February of 2006.

During the same time period, because of the impediment created by the Orantes injunction, which prohibited the use of expedited removal when it came to Salvadorans who illegally immigrated into the United States, we saw, in June of 2005, 4,011 Salvadorans; and in February of 2006, that number has virtually not changed at all, to 3,906.

So, clearly, the impediment created by this Orantes injunction, that would be overturned and remedied by this amendment, creates an impediment for the Department of Homeland Security when it comes to enforcing our immigration laws.

This amendment, it is important to note, would not eliminate injunctive relief but would require that any injunction granted be narrowly tailored and to not unnecessarily impede on enforcement of our immigration laws.

Specifically, it would provide that injunctions must be narrowly tailored to precisely address the actual harm identified. It would require that injunctions do not extend forever and must end on a date certain. It provides that an injunction is suspended unless a court acts within 30 days of the date when the Government moves to vacate an injunction. And for any injunction in which the Government has already filed a motion to vacate—and which remains pending 10 days after enactment of this bill—that injunction is automatically stayed on that 10th day.

Mr. President, I conclude by saying, in my conversations with the Secretary of the Department of Homeland Security, he regards this amendment as important to providing the Department of Homeland Security the tools it needs in order to enforce our immigration laws and to make sure the use of expedited removal, which is so important in terms of the deterrence that it provides, be uniform across populations that would be affected.

So, as he told me, if this amendment passes, he would be able to end catch-and-release, which is a de facto policy of this Government, within a matter of months.

I would think this is an issue we can all support, and I ask my colleagues to support this amendment.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4579

Mr. GREGG. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. BYRD, proposes an amendment numbered 4579.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, strike line 7 through page 119, line 2 and insert in lieu thereof the following:

SEC. 524. Using funds made available in this Act:

(a) Within 60 days of enactment of this Act, the Secretary of the Department of

Homeland Security shall revise DHS MD [Management Directive] 11056 to provide for the following:

(1) that when a lawful request is made to publicly release a document containing information designated as SSI, the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code;

(2) that sensitive security information that is four years old shall be subject to release upon request unless:

(A) the Secretary or his designee makes a written determination that identifies a rational basis why the information must remain SSI;

(B) the information is covered by a current sensitive security information application guide approved by the Secretary or his designee in writing; or

(C) such information is otherwise exempt from disclosure under applicable law.

Any determination made by the Secretary under clause (a)(2)(A) shall be provided to the party making a request to release such information and to the Committees on Appropriations of the Senate and House of Representatives as part of the annual reporting requirement pursuant to section 537 of the Department of Homeland Security Appropriations Act, 2006 (Pub. L. 109–90; 119 Stat. 2088);

(3) common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b) (1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking; and

(b) Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the remaining requirements of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Pub. L. 109–90; 119 Stat. 2088), including information on the current procedures regarding access to sensitive security information (SSI) by civil litigants and the security risks and benefits of any proposed changes to these procedures.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4579) was agreed to.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2006 budget through June 30, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $11.873 billion in budget authority and by $4.060 billion in outlays in 2006. Current level for revenues is $6.589 billion above the budget resolution in 2006.

Since my last report dated May 19, 2006, Congress has cleared and the President has signed the following acts which have changed budget authority, outlays, or revenues: the Native American Technical Corrections Act of 2006, Public Law 109–221; the Heroes Earned Retirement Opportunities Act Public Law 109–227; the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Relief, 2006, Public Law 109–234; and the Mine Improvement and New Emergency Response Act of 2006 Public Law 109–236.

I ask unanimous consent that the accompanying letter and material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 10, 2006.

Hon. JUDD GREGG,
Chairman Committee on the Budget,
U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through June 30, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter dated May 18, 2006, the Congress has cleared and the President has signed the following acts which have changed budget authority, outlays, or revenues: the Native American Corrections Act of 2006 (Public Law 109–221); the Heroes Earned Retirement Opportunities Act (Public Law 109–227); the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Relief, 2006 (Public Law 109–234); and the Mine Improvement and New Emergency Response Act of 2006 Public Law 109–236).

Sincerely,

DONALD B. MARRON,
Acting Director.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF JUNE 30, 2006

[In billions of dollars]

	Budget Resolution [1]	Current Level [2]	Current level over/under (−) resolution
On-Budget:			
Budget Authority	2,094.4	2,082.5	−11.9
Outlays	2,099.0	2,094.9	−4.1
Revenues	1,589.9	1,596.5	6.6
Off-Budget:			
Social Security Outlays [3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	*

Note: * = Less than $50 million.

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50.0 billion in budget authority and $62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176, Public Law 109–208, and Public Law 109–234 (see footnote 2 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are also off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES OF FISCAL YEAR 2006, AS OF JUNE 30, 2006

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	n.a.	n.a.	1,607,180
Permanents and other spending legislation [1]	1,296,134	1,248,957	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES OF FISCAL YEAR 2006, AS OF JUNE 30, 2006—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriation legislation	1,333,823	1,323,802	n.a.
Offsetting receipts	−479,868	−479,828	n.a.
Total, enacted in previous sessions:	2,150,089	2,092,891	1,607,180
Enacted This Session:			
Katrina Emergency Assistance Act of 2005 (P.L. 109–176)	250	250	0
An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance Program for 2006 (P.L. 109–204)	1,000	750	0
Native American Corrections Act of 2006 (P.L. 109–221)	23	23	3
Tax Increase Prevention and Reconciliation Act of 2006 (P.L. 109–222)	0	0	−10,757
Heroes Earned Retirement Opportunities Act (P.L. 109–227)	0	0	−1
Emergency Supplemental Appropriations Act for Defense, the Global War . II on Terror, and Hurricane Recovery, 2006 (P.L. 109–234)	−111	143	55
Mine Improvement and New Emergency Response Act of 2006 (P.L. 109–236)	0	0	1
Total, enacted this session:	1,162	1,166	−10,699
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−68,740	879	n.a.
Total Current Level,[1 2 3 4]	2,082,511	2,9094,936	1,596,481
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirement[4]	−50,000	−62,424	n.a.
Adjusted Budget Resolution	2,9094,384	1,098,996	n.a.
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	6,589
Current Level Under Adjusted Budget Resolution	11,873	4,060	n.a.

Notes: n.a. = not applicable; P.L. = Public Law.

[1] P.L. 109–171 was enacted early in this session of Congress, but is shown under ''enacted in previous sessions'' as requested by the Committee on the Budget. Included in current-level totals for P.L. 109–171 are $980 million in budget authority and −$4,847 million in outlays.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude the following amounts:

	Budget authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	−7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109–1 E6)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109–208)	2,275	2,275	0
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109–2B4)	94,541	24,184	0
Total, enacted emergency requirements	174,547	138,882	−7,111

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50,000 million in budget authority and $62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176, Public Law 109–208, and Public Law 109–234 (see footnote 2 above) budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Source: Congressional Budget Office.

THE HIGHWAY WATCH® PROGRAM

Mr. ISAKSON. Mr. President, I rise today to offer my strong support for the Highway Watch® program.

Highway Watch® is a national program to enhance the security and overall preparedness on our Nation's highways through training highway professionals to be the ''eyes and ears'' of our highways. The Highway Watch® program, managed by the American Trucking Associations, recruits and trains professional truck drivers to identify and report security and safety situations on our Nation's roads.

Highway Watch® has enrolled more than 330,000 highway professionals and expects to enroll more than 1,000,000 by March, 2007. In my State of Georgia, the training is mandatory for the more than 300,000 commercial drivers licensed in Georgia. To date, the State of Georgia has enrolled more than 18,000 participants.

I share with you two of the successes of the program. An instructor at a Michigan truck-driving school grew suspicious when ten students showed up to verify their safety and driving skills. The individuals had little knowledge about driving a commercial vehicle and could not verify their commercial driver's licenses. It turned out that the individuals were illegal immigrants and some were on a terrorist watch list.

In another example, Highway Watch® members reported a man photographing and videotaping fuel tanker trucks and asking questions. Forty-eight hours after a ''Be On the Look Out'' (BOLO) notice was issued by Highway Watch®, the man was in custody.

This program has fostered a good working relationship between the public and private sector, and is a model for how corporations can teach vigilance to their employees. I encourage the Department of Homeland Security to place the requisite monies for this important program in the Department of Homeland Security annual budget, and encourage the appropriators to continue their commitment to the program.

I look forward to working with my colleagues and ask for continued support of the Highway Watch® program to help ensure that our Nation's highways are safe and secure.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF THE FOUNDING OF MITCHELL, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the 125th anniversary of the founding of one of South Dakota's great cities, Mitchell. Located along I–90, Mitchell serves as the county seat of Davison County and is one of the State's most thriving communities. Mitchell is home to a strong economy, first-rate hospital, a 4-year university and a technical institute, as well as numerous tourist destinations, art, culture, shopping, and outdoor recreation.

The site of Mitchell was originally platted in 1879 and then incorporated in 1881. Mitchell may be best known as the home of the Corn Palace. Build in 1897 to showcase South Dakota's healthy agriculture climate, the Corn Palace attracts over a half million visitors annually. Each year a new theme and new murals are chosen and the Corn Palace is redecorated with corn, other grains, and native grasses. It is a great venue for displaying the variety of South Dakota agriculture. Additionally, the Corn Palace is more than a visitor's attraction; it serves as a host for state basketball tournaments, dances, meetings, banquets, and other civic events.

Also in Mitchell are historical and cultural attractions such as the Prehistoric Indian Village, Enchanted Doll Museum, and the Dakota Discovery Museum. Mitchell's economy is also boosted by the hunting and fishing industries. The community is served by the Mitchell Republic newspaper. Perhaps Mitchell's most famous resident is George McGovern, former Representative and Senator of South Dakota and 1972 Democratic nominee for President.

Mitchell boasts one of South Dakota's oldest and finest educational institutions, Dakota Wesleyan University. DWU is a 4-year university with 26 majors and 30 minors available. The latest addition to the campus, the George and Eleanor McGovern Library and Center for Leadership and Public Service, is expected to be completed in August of 2006. Mitchell is also home to Mitchell Technical Institute, a post-secondary

technical school employing cutting edge technology in five occupational areas.

The Avera Queen of Peace Hospital, one of the most advanced medical centers in the region, is also located in Mitchell. Especially noteworthy is the recently finished Avera Queen of Peace Cancer Center. The hospital employs over 700 people from the Mitchell area.

Even 125 years after its founding Mitchell remains a vital community and a great asset to South Dakota. I am pleased to honor this progressive city and offer my congratulations to the residents of the city on this historic milestone.●

60TH ANNIVERSARY OF THE PHOENIX SYMPHONY ORCHESTRA

● Mr. McCAIN. Mr. President, I am pleased to congratulate the Phoenix Symphony Orchestra, which will launch the celebration of its diamond jubilee for the 2007/2008 season on December 30, 2006.

The Phoenix Symphony Orchestra is embarking on its 60th year of having a profound cultural and educational effect in the State of Arizona. Founded in 1947, the Phoenix Symphony proudly serves Phoenix and the surrounding metropolitan area, the State of Arizona, and the southwestern United States. What began as an occasional group of musicians performing a handful of concerts each year—in a city of fewer than 100,000 people—today serves more than 300,000 people annually, with 275 concerts and presentations throughout the greater Phoenix area and beyond.

Under the artistic leadership of Michael Christie as the Virginia G. Piper Music Director and administrative leadership of President Maryellen H. Gleason, the orchestra is overseen by the nonprofit Phoenix Symphony Association under Board Chairman Gerald W. Murphy.

The 76-member Phoenix Symphony presents an annual season from September through the beginning of June, featuring full-length classical and pops concerts at Symphony Hall in downtown Phoenix, in Scottsdale, in Prescott, in several Native American communities and throughout central Arizona. The symphony performs for more than 50,000 students and children, representing over 260 different schools, helping to introduce music to new generations through a variety of education and youth-engagement programs including programs at the Salt River Pima Indian Nation, Chicanos por la Causa, and Phoenix Elementary School District No. 1.

Again, I congratulate the Phoenix Symphony Orchestra for its remarkable achievements and contributions to Arizona.●

RETIREMENT OF GEORGE GULSON

● Mr. JOHNSON. Mr. President, today I wish to recognize the achievements of Mr. George Gulson, who spent 43 years working in the Brandon Valley School System, including 13 years as superintendent. Throughout his career, Mr. Gulson has exhibited a true commitment to excellence in education by creating positive learning environments for his students.

Mr. Gulson started with Brandon Valley as the band director, a position he held for 11 years. Though he has always loved music, Mr. Gulson did not originally plan on being a teacher. Initially, he had planned on going into pharmacy, but found that his lab classes at South Dakota State University conflicted with the band schedule. Rather than stop playing in the band, he decided to go into education instead. He had several options following his graduation, but after seeing the Brandon Valley band perform at a contest, he was so impressed that he contacted the superintendent. He signed a teaching contract a few weeks later.

In 1974, Mr. Gulson accepted a position as a junior high school principal in Brandon Valley. Though being an administrator was quite different from teaching, it was a job he came to appreciate. He found that he was able to influence youth at a time in their lives when they were still learning who they are and how to interact with the world. In addition to helping students find themselves, the post also put Mr. Gulson in a position to start thinking about ways to change the school. He spent his last 3 years as principal readying the school to change from the junior high to the middle school philosophy.

Then in late 1993 came the call from the Brandon Valley School Board asking him to become superintendent. It was a job Mr. Gulson would excel at for 13 years. Among the issues Mr. Gulson faced during his tenure were a growing student population, building projects, No Child Left Behind provisions, curriculum, and funding. Brandon Valley's Performing Arts Center was built on his watch, a particularly impressive accomplishment.

George Gulson has shown unequivocal dedication to quality education throughout his stellar career. As a teacher, principal, and superintendent Mr. Gulson has helped generations of students to become lifelong learners. It is my pleasure to publicly recognize such a tireless advocate of education as Mr. Gulson. Though Mr. Gulson's day to day presence will be missed by students, parents, and the community at large, I congratulate him on his years of service and wish him the best in his retirement.●

MESSAGE FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 122. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project.

H.R. 2563. An act to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes.

H.R. 3462. An act to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes.

H.R. 3897. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

H.R. 5061. An act to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

H.R. 5232. An act to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes.

H.R. 5589. An act to direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 427. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 122. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Energy and Natural Resources.

H.R. 2563. An act to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3462. An act to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3897. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply and Groundwater Enhancement Project; to the Committee on Energy and Natural Resources.

H.R. 5061. An act to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish

Hatchery to the State of Virginia; to the Committee on Environment and Public Works.

H.R. 5232. An act to direct the Secretary of the Interior to initiate and complete an evaluation of lands and waters located in Northeastern Pennsylvania for their potential acquisition and inclusion in a future Cherry Valley National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

H.R. 5589. An act to direct the Secretary of Homeland Security to transfer to United States Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3637. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003.

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–7442. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7443. A communication from the Chairman, Federal Maritime 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–7444. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Semiannual Report of the Inspector General and the Executive Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period October 1, 2005 through March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–7445. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Agency'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–7446. A communication from the Director of the Peace Corps , 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–7447. A communication from the Chairman and the General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board'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–7448. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board of Governor'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–7449. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department of Agriculture'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–7450. A communication from the Administrator, U.S. Small Business Administration, transmitting, pursuant to law, the Administration'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–7451. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education'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–7452. A communication from the Chair, U.S. Equal Employment Opportunity 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–7453. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, a report entitled ''Fiscal Year 2005 International Mail Volumes, Costs and Revenues''; to the Committee on Homeland Security and Governmental Affairs.

EC–7454. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of Presidential Determination 2006-15 relative to the suspension of limitations under the Jerusalem Embassy Act; to the Committee on Foreign Relations.

EC–7455. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, the report of proposed legislation entitled ''R.M.S. Titanic Maritime Memorial Preservation Act of 2006'' received on July 6, 2006; to the Committee on Foreign Relations.

EC–7456. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Chemical Weapons Convention Implementation Act of 1998; to the Committee on Foreign Relations.

EC–7457. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Department of State Acquisition Regulation'' (RIN1400-AB90) received on July 6, 2006; to the Committee on Foreign Relations.

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. OBAMA:

S. 3631. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 3632. A bill to provide for the sale of approximately 25 acres of public land to the Turnabout Ranch, Escalante, Utah, at fair market value; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. WARNER, Mr. GRAHAM, Mr. DEWINE, Mr. STEVENS, Mr. MARTINEZ, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. THOMAS, Mr. DEMINT, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. ISAKSON, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. SMITH, Mr. COCHRAN, Mr. GREGG, Mr. BURNS, Mr. TALENT, Mr. BURR, Mr. ALLEN, and Mrs. DOLE):

S. 3633. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes; to the Committee on Foreign Relations.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3634. A bill to amend the Nuclear Waste Policy Act of 1982 to improve the material control and accounting and data management systems used by civilian nuclear power reactors to better account for spent nuclear fuel and reduce the risks associated with the handling of those materials; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3635. A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico; to the Committee on Indian Affairs.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 3636. A bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 3637. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003; read the first time.

By Mrs. FEINSTEIN:

S. 3638. A bill to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 94

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 94, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 407, a bill to restore health care

coverage to retired members of the uniformed services, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 718

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 718, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1283

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1537

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1537, a bill to amend title 38, United States Code, to provide for the establishment of Parkinson's Disease Research Education and Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs and Multiple Sclerosis Centers of Excellence.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2419

At the request of Mr. HAGEL, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2465

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2465, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2754

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2754, a bill to derive human pluripotent stem cell lines using techniques that do not knowingly harm embryos.

S. 2827

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2827, a bill to amend the Homeland Security Act of 2002 to clarify the investigative authorities of the privacy officer of the Department of Homeland Security, and for other purposes.

S. 2916

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2916, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 3274

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3274, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

S. 3495

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3495, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

S. 3603

At the request of Mr. ISAKSON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3603, a bill to amend the Internal Revenue Code of 1986 to provide economic incentives for the preservation of open space and conservation of natural resources, and for other purposes.

S.J. RES. 38

At the request of Mr. MCCONNELL, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S.J. Res. 38, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 96

At the request of Mr. BROWNBACK, the names of the Senator from Montana (Mr. BURNS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Con. Res. 96, a concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption.

S. CON. RES. 101

At the request of Mr. REID, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Con. Res. 101, a concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 420

At the request of Mr. SMITH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 420, a resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved.

S. RES. 494

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. LOTT) 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. 500

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 500, a resolution expressing the sense of Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered or unregistered, as stipulated by the Russian Constitution and international standards.

AMENDMENT NO. 4548

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4548 proposed to H.R. 5441, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 4548 proposed to H.R. 5441, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BENNETT):

S. 3632. A bill to provide for the sale of approximately 25 acres of public land to the Turn-About Ranch, Escalante, Utah, at fair market value; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise to introduce legislation that would correct a property trespass question involving a 25-acre parcel of Bureau of Land Management, BLM, land in Garfield County, UT. The parcel is part of the Turn-About Ranch, which hosts a successful and popular program to rehabilitate troubled youth.

The trespass conflict is the result of an erroneous survey at the time that Congress approved a major land exchange—Public Law 105–335—between the State of Utah and the BLM in January 1999. The legislation at hand would grant the owners of the ranch the opportunity to purchase the erroneously surveyed land at fair market value so that this very important program for at-risk youth can continue unimpeded.

Since 1995, Turn-About Ranch has graduated some 500 troubled and at-risk teenagers through an intense program of training and rehabilitation. The ranch employs some 35 Garfield County residents, and the Turn-About Ranch program has strong support from the local community and the local civic leaders in the area.

Historically used for agriculture and grazing purposes, it was purchased by the Townsend Family and leased to Turn-About Ranch, Inc., for the purpose of restoring dignity and self-esteem to wayward teenagers. Because Government-owned land administered by the BLM surrounds the private land, the only way to resolve the trespass is to ask for the blessing of Congress.

Mr. President, this legislation offers a simple and fair solution to a fairly technical problem on our public lands. I hope Congress can use this legislation to resolve this problem in the very near future.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. WARNER, Mr. GRAHAM, Mr. DEWINE, Mr. STEVENS, Mr. MARTINEZ, Mr. BUNNING, Mr. CRAPO, Mr. CRAIG, Mr. KYL, Mr. ENSIGN, Mr. COBURN, Mr. SHELBY, Mr. THOMAS, Mr. DEMINT, Mr. CHAMBLISS, Mrs. HUTCHISON, Mr. VITTER, Mr. ISAKSON, Mr. SESSIONS, Mr. THUNE, Mr. BOND, Mr. SMITH, Mr. COCHRAN, Mr. GREGG, Mr. BURNS, Mr. TALENT, Mr. BURR, Mr. ALLEN, and Mrs. DOLE):

S. 3633. A bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is not engaged in global taxation schemes; to the Committee on Foreign Relations.

Mr. INHOFE. Mr. President, today I introduce to you a bill to prevent the imposition of global taxes on the United States. The current efforts of the United Nations and other international organizations to develop, advocate, endorse, promote, and publicize proposals to raise revenue by instituting international taxes are unacceptable.

The United Nations is not a sovereign nation and, therefore, does not have the legal capacity to levy taxes. Furthermore, paying taxes to an international organization like the UN would impair global commerce, hinder the defense capabilities of the United States, and continue to line the pockets of an organization that has historically been replete with mismanagement and corruption, especially in recent years. In order to avoid these consequences, the bill I bring before you will withhold 20 percent of dues from the United Nations and other international organizations if they continue to promote global taxes. Its passage will help preserve the sovereignty of our Nation and save American taxpayers from potentially paying billions of dollars every year to international organizations.

The United Nations' record of developing and advocating global taxation goes back for more than a decade. Usually the organization's efforts have been done quietly so as not to elicit the ire of the United States. However, in 1996 Secretary General Boutros-Boutros Ghali delivered a speech at Oxford University in which he openly embraced the concept of global taxes and authoritarian world government. Specifically, the Secretary General expressed a desire for the United Nations to ''not be under the daily financial will of the member states.'' Though the U.N. had tried to circumvent the Security Council and avoid member state scrutiny for many years by borrowing from international financial institutions, assuming control of bonds issued by Member States, and imposing fees on an extensive range of transactions, goods and services, this was the first time the concept of global taxation was so explicitly advocated.

In response to the United Nations' actions, Senator Bob Dole and Representative Gerald Solomon introduced bills in both Houses of Congress in January of 1996 to put a stop to the United Nations' antics. These bills prohibited any voluntary or assessed contributions from the United States to the United Nations if the United Nations continued to develop and promote proposals for international taxes and fees. That legislation passed through the 104th and the 105th Congresses to become public law.

Still, the United Nations continued to pursue global taxation. Later in 1996, the United Nations Economic and Social Council fully debated international taxation. After that, a United Nations Development Programme research project resulted in the publishing of a text entitled ''The Tobin Tax,'' which proposed a currency transaction tax. Global taxation was discussed in ''The Human Development Report'' in 1999 as well as at the United Nations Preparatory Committee for the International Conference on Financing for Development in 2001. Also in 2001, Ernesto Zedillo published a report which concluded ''there is a genuine need to establish, by international consensus, stable and contractual new sources of multilateral finance.'' Dialog arose at the Conference on Sharing Global Prosperity in Helsinki in 2003. In 2004, the United Nations University-World Institute for Development Economics Research issued a study on global taxation.

Recently, the 2005 ''Human Development Report'' discussed proposals to levy international taxes in order to fund the U.N.'s Millennium Development Goals. Some of the taxes the United Nations proposed in this report were taxes on aviation fuel, an airline passenger tax, and a currency transaction tax like the Tobin tax. At other points in time the U.N. has considered a global environmental levy, an ocean freight tax on international trade, and a military expenditures and arms tax.

Innovative development financing mechanisms were the primary topics of discussion at a conference held in Paris on February 28 and March 1 of 2006. As a result of this conference and other discussions, various nations, most notably France, are already implementing an international tax on airline travel, with the approval of Kofi Annan. Plans for global taxes on currency transactions, energy use, and United States companies are also being considered. An official U.N.-sponsored book, ''New Sources of Development Finance,'' says that a proposed tax on oil, gas, coal and other carbon-based fuels could produce $750 billion a year in revenue for the U.N. and other global purposes.

We have frequently reminded the United Nations of our sentiments regarding global taxation after legislation formally passed through Congress in 1996 and 1998. Recently, on August 30, 2005, the U.S. representative to the United Nations, John R. Bolton, clearly stated ''the United States does not accept global aid targets or global taxes.'' Shortly after, on September 13, 2005, 16 Senators joined with me in sending a letter to Kofi Annan which reiterated Mr. Bolton's message. Still, the United Nations has continued to research and promote different forms of international taxation.

Since the United Nations is not listening to the United States, now it is time for Congress to back up our words. The bill I am introducing along with 31 colleagues states that if the United Nations or other international organizations continue to pursue global taxation, the United States will withhold 20 percent of assessed contributions to the regular budget of these organizations. This measure would last until certification is given by the President to Congress that neither the United Nations nor any other international organization has legal taxation authority in the United States, that no taxes or fees have been imposed on the United States, and that no taxes have been proposed by any of these organizations.

The fascination of the United Nations and other international organizations with international taxation has gone on too long. Please join me in taking a stand for the sovereignty of our Nation by supporting this bill.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3634. A bill to amend the Nuclear Waste Policy Act of 1982 to improve the material control and accounting and data management systems used by civilian nuclear power reactors to better account for spent nuclear fuel and reduce the risks associated with the handling of those materials; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, today I am introducing the Spent Nuclear Fuel Control and Accounting Act of 2006. I am pleased to be joined by the Senior Senator from Vermont, Mr. LEAHY, in introducing this legislation. In the other body, our colleague from Vermont, Congressman SANDERS, is introducing a companion measure. This legislation is designed to improve the safety and security of spent nuclear fuel generated by our Nation's nuclear powerplants.

Approximately 2,000 metric tons of spent nuclear fuel are generated by the Nation's 103 nuclear powerplants each year. Spent nuclear fuel is no longer able to generate power but is still intensely radioactive and continues to generate heat for tens of thousands of years. Radiation produced by the fuel can kill a person within minutes if they are directly exposed.

Terrorist attacks in the U.S. have heightened public concern generally about whether this highly radioactive material could be stolen and used maliciously. Although the Nuclear Regulatory Commission, NRC, argues that spent nuclear fuel is ''self-protecting'' because of its high radioactivity, the potential for harm to human health and the environment warrants close attention to the control and accounting of this material.

I am introducing this legislation because there have been several instances of lost spent nuclear fuel at operating plants in the past few years, including in my own home State. Such losses have eroded public confidence in the job the NRC is doing. Following the loss of spent fuel rod fragments at Vermont Yankee in 2004, I requested that GAO study the issue of how the NRC controls such material. In its April 2005 report, the GAO recommended that the NRC establish requirements for the control of individual fuel rods and fragments and develop inspection procedures to verify plants' compliance.

NRC currently has no regulations that specifically deal with the tracking and recordkeeping of spent nuclear fuel of this type. While the NRC generally has regulations requiring plant operators to maintain records of their spent nuclear fuel they do not specify how individual fuel rods and fragments should be tracked. Additionally, the NRC requires plant operators to inventory spent fuel at least once a year, but does not specify how that inventory should be conducted. Because of this lack of specificity in its regulations, there is considerable variation among nuclear powerplants in how regulations are implemented. Plus, the NRC no longer monitors plants' compliance with its tracking and accounting regulations.

While the NRC has been working administratively to address the issues identified in the GAO report, the proposed legislation would require the NRC to more effectively control and account for spent nuclear fuel. The NRC needs to redouble its efforts to shore up public confidence in its regulatory efforts. This is a difficult task, but one that is critically important.

This bill will focus on the safe operation and management of existing nuclear powerplants. The NRC and the nuclear industry are planning for a ''nuclear renaissance'' with the construction of new nuclear plants. The NRC estimates that it will receive 18 new license requests between now and the year 2012. But, we must maintain continued oversight over existing plants and pay particular attention to the safe management of spent nuclear fuel. The public needs to be confident that the current system operates well, or they will likely not accept a new generation of plants.

The Spent Nuclear Fuel Control and Accounting Act of 2006 directs NRC to develop regulations which would improve the current system of control and accounting for spent nuclear fuel and would help prevent incidents like the one which occurred at Vermont Yankee.

In the case of Vermont Yankee, operated by Entergy, the plant's operators discovered that two pieces of a radioactive fuel rod were missing from the plant's storage facilities on April 21, 2004. During a scheduled fuel outage, the plant conducted a special inspection requested by the NRC to document the location of its fuel rods, both spent and unspent.

The documentation of the pieces' location was requested by the NRC as part of a follow up to the loss of two complete spent fuel rods at the Millstone plant in Connecticut in 2000. At Vermont Yankee, the missing pieces were 7 and 17 inches long, and came from a fuel rod sent to the Vermont Yankee plant by General Electric in 1979 that arrived broken. When the rod broke, the pieces were placed in a lead bucket at the bottom of the spent fuel pool, in which low-level waste was periodically also stored. Later it was learned that a special storage container was ordered from General Electric to house these pieces, and that they were stored in a different part of the fuel pool.

The NRC was involved in Entergy's efforts to use a remote-control camera to see if the misplaced rod pieces were among the spent fuel rods in the plant's spent fuel pool. Entergy also reviewed paper records to see if two missing fuel rods from the plant were shipped to waste storage facilities in South Carolina or the State of Washington. The spent fuel rods were eventually located on July 15, 2004, after a search in which Entergy estimates company employees and outside contractors had spent between 9,000 and 10,000 hours involved in the search.

A similar event occurred at the Millstone nuclear powerplant in Connecticut in 2000 and at the Humboldt Bay plant in California in July 2004. Pacific Gas and Electric officials searched for three missing uranium components of a used nuclear fuel rod in the reactor pool at the decommissioned Humboldt Bay nuclear powerplant near Eureka, CA. Each of the pieces of the missing Humboldt Bay fuel rod is 18 inches long, has the width of a pencil and contains uranium fuel encased in steel. The rods from the Humboldt Bay and Millstone plants are still missing. The Millstone plant paid a $288,000 fine for the loss of its fuel.

When the Millstone incident occurred, the NRC said that fuel rods had never before gone missing in the history of commercial nuclear power in the United States. While I know that the materials at Vermont Yankee were found to be missing due in part to a special inspection the NRC instituted after Millstone, the sad fact is that fuel again went missing. I do not want missing fuel to become the norm. It is not enough to tell the public that we ''think'' it is likely that highly radioactive material went to storage. Certainly it is poor government management not to look carefully at how the

utilities conducted these searches for missing fuel rods, draw out lessons, develop best management practices, and safeguard and protect the existing paper trail we have for the waste stored at our Nation's nuclear power plants. We must improve our nuclear materials accounting system, and my legislation is the first step in doing so.

This legislation calls for NRC to pay special attention to loose individual spent fuel rods and rod fragments like those lost at the Vermont Yankee plant. It requires NRC to report when loose fuel rods and fragments result and requires NRC to conduct an annual inspection to make sure that plants are complying with waste tracking requirements. Additionally, the bill instructs NRC to develop best management practices for the safe storage of individual rods and fragments and for the inventory of spent nuclear fuel. The legislation will require NRC to modernize its data management systems by developing an updated electronic system for storing data and for tracking the location of spent nuclear fuel. The creation of an electronic database of spent fuel storage records would help secure this important information from aging plants that are being uprated and relicensed and also require the new fleet of plants to use a uniform electronic system. Finally, this bill would track the movement of spent nuclear fuel onsite at nuclear powerplants and offsite to other facilities by requiring that manifests indicate whether shipments contain fuel rods or fragments.

I believe that this bill will be an important step towards improving security related to one of the most hazardous materials made by humans—spent nuclear fuel. This bill would increase the scrutiny on the tracking of this material and ensure that spent nuclear fuel remains safely stored in appropriate facilities and does not end up in the wrong hands.

I ask unanimous consent that a copy of my 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. 3634

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 ''Spent Nuclear Fuel Control and Accounting Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) several incidents involving missing or unaccounted-for spent nuclear fuel have occurred at civilian nuclear power reactors, including—

(A) the Vermont Yankee Nuclear Power Plant;

(B) the Humboldt Bay Nuclear Power Plant (California); and

(C) the Millstone Nuclear Power Station (Connecticut);

(2) weaknesses in the accounting and control of spent nuclear fuel have been identified at several other civilian nuclear power reactors;

(3) data provided by the Nuclear Regulatory Commission indicate that—

(A) operators of most civilian nuclear power reactors have removed spent fuel rods from their fuel assemblies; and

(B) those rods are stored onsite in spent fuel pools or dry casks or have been shipped offsite to a storage facility;

(4) individual spent fuel rods and fragments may also result from the loading of a new assembly and therefore may be new fuel;

(5) individual spent fuel rods, and especially fragments of spent fuel rods, are—

(A) highly radioactive; and

(B) much smaller and lighter than fuel assemblies;

(6) while regulations promulgated by the Nuclear Regulatory Commission require civilian nuclear power reactors to control and account for spent nuclear fuel, they do not cover—

(A) individual spent fuel rods that have been removed from an assembly; and

(B) fragments of spent fuel rods;

(7) the storage and oversight of individual spent fuel rods at civilian nuclear power reactors have not been managed in a consistent manner;

(8) the lack of specific guidance in the regulations promulgated by the Nuclear Regulatory Commission relating to how civilian nuclear power reactors should conduct physical inventories has resulted in inconsistent compliance with those regulations;

(9) the Nuclear Regulatory Commission does not evaluate the compliance of civilian nuclear power reactors with the material control and accounting regulations promulgated by the Commission;

(10) the Nuclear Regulatory Commission has much to do to implement the recommendations listed in the report published by the Government Accountability Office titled ''NRC Needs to Do More to Ensure that Power Plants Are Effectively Controlling Spent Nuclear Fuel''; and

(11) the effective implementation of material control and accounting regulations by civilian nuclear power reactors is of great importance to the United States because of the potential safety and security consequences for failing to manage spent nuclear fuel, especially in the aftermath of terrorist attacks in the United States.

SEC. 3. MATERIAL CONTROL AND ACCOUNTING OF DISMANTLED FUEL ASSEMBLY.

The Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) is amended by adding after section 137 the following:

''SEC. 138. MATERIAL CONTROL AND ACCOUNTING OF INDIVIDUAL RODS AND FRAGMENTS FROM A DISMANTLED FUEL ASSEMBLY.

''(a) PROMULGATION OF REGULATIONS.—The Commission shall promulgate regulations to require each civilian nuclear power reactor to provide to the Commission a report that contains a detailed record of each individual spent fuel rod, and each fragment of a spent fuel rod, that results from the loading or dismantling of a fuel assembly.

''(b) ANNUAL INSPECTION.—The Commission shall promulgate regulations to require an annual inspection by the Commission of each civilian nuclear power reactor to determine the compliance of the civilian nuclear power reactor with regulations relating to the material control and accounting of spent nuclear fuel promulgated by the Commission.

''SEC. 139. GUIDANCE FOR STORING INDIVIDUAL FUEL RODS AND FRAGMENTS.

''The Commission shall develop and make available to each civilian nuclear power reactor guidance that describes—

''(1) best management practices relating to—

''(A) the procedures that a civilian nuclear power reactor should use to store individual fuel rods and fragments on site; and

''(B) the selection of suitable locations for the storage of individual fuel rods and fragments; and

''(2) suitable inventory practices relating to—

''(A) the manner in which a civilian nuclear power reactor should conduct an annual inventory of any spent nuclear fuel, including individual fuel rods and fragments; and

''(B) the manner in which a civilian nuclear power reactor should catalogue each item of spent nuclear fuel, including individual rods and fragments located at the civilian nuclear power reactor.

''SEC. 140. ELECTRONIC DATA MANAGEMENT AND WASTE TRACKING SYSTEM.

''(a) DEVELOPMENT OF SYSTEM.—The Commission shall develop an electronic data management and waste tracking system—

''(1) to store and access the records of each civilian nuclear power reactor; and

''(2) to track the location of spent nuclear fuel including individual rods and fragments.

''(b) ADOPTION OF ELECTRONIC DATA MANAGEMENT AND WASTE TRACKING SYSTEM BY CIVILIAN NUCLEAR POWER REACTORS.—The Commission shall promulgate regulations to require each civilian nuclear power reactor—

''(1) in the case of a civilian nuclear power reactor that is licensed before the date of enactment of this section, to digitize the existing records of the civilian nuclear power reactor; and

''(2) in the case of a civilian nuclear power reactor that is licensed on or after the date of enactment of this Act, to implement and use the electronic data management and waste tracking system described in subsection (a).

''(c) EVALUATION OF EXISTING ELECTRONIC DATA MANAGEMENT AND WASTE TRACKING SYSTEMS.—The Commission may evaluate existing electronic data management and waste tracking systems to determine whether those systems could be modified for purposes of complying with subsection (a).''.

SEC. 4. MANIFEST REQUIREMENT FOR SPENT NUCLEAR FUEL.

The Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) is amended by inserting after section 180 the following:

''SEC. 181. MANIFEST REQUIREMENT FOR SPENT NUCLEAR FUEL.

''(a) DEVELOPMENT OF MANIFEST.—The Commission shall develop a detailed manifest form for the onsite transportation of spent fuel that indicates whether the package containing the spent fuel contains individual rods or fragments.

''(b) PROMULGATION OF REGULATIONS.—The Commission shall promulgate regulations to require each civilian nuclear power reactor to provide to the Commission a completed detailed manifest form developed under subsection (a) to identify and track any spent fuel rod or rod fragment that is transported within the premises of the civilian nuclear power reactor.

''SEC. 182. IDENTIFICATION OF SPENT FUEL OR ROD FRAGMENTS TRANSPORTED OUTSIDE PREMISES OF CIVILIAN NUCLEAR POWER REACTORS.

''The Commission, in consultation with the Department of Transportation, shall identify any spent fuel rod or rod fragment that is transported outside the premises of the civilian nuclear power reactor through use of manifests used by the Department of Transportation.''.

SEC. 5. CONFORMING AMENDMENTS.

The table of contents of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 note; 96 Stat. 2201) is amended—

(1) by adding after the item relating to section 137 the following:

''Sec. 138. Material control and accounting of dismantled fuel assembly.

''Sec. 139. Guidance for storing spent nuclear fuel.
''Sec. 140. Electronic data management and waste tracking system.''.

and;

(2) by adding after the item relating to section 180 the following:

''Sec. 181. Manifest requirement for spent nuclear fuel.
''Sec. 182. Identification of spent fuel or rod fragments transported outside premises of civilian nuclear power reactors.''.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 3635: A bill to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pubelos on the State of New Mexico; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the Albuquerque Indian Schools Act of 2006. I want to thank Senator BINGAMAN for joining me as a cosponsor of the bill.

The Albuquerque Indian Schools—AIS—Act of 2006 seeks to consolidate two parcels of federal land and take this land into trust for the 19 pueblos—Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni. I believe this property, if transferred, would receive greater utilization and benefit the economic development of the 19 pueblos.

In 1981, the 19 New Mexico pueblos petitioned the United States for the transfer of 44 acres from the Albuquerque Indian School site for the purpose of economic development and in 1984 the Assistant Secretary of the Interior conveyed the 44 acres to the pueblos. This land is currently under development by the 19 New Mexico pueblos. They have constructed a 150,000 square foot Department of the Interior building which houses the southern regional office of the Bureau of Indian Affairs, BIA, and a 150,000 square foot Department of the Interior office building that houses the National BIA Training Center and the BIA Data Center. In addition, the pueblos are starting construction on a hotel and are preparing to begin several retail projects.

In 2003, the 19 pueblos requested conveyance of the two remaining tracts of land that are located south of Interstate 40. This land contains various metal buildings, which have deteriorated to the point that they have no value at this time.

The return of these two properties to the 19 pueblos is supported by the southwestern regional office of the BIA. With the addition of these two tracts, the 19 pueblos will be able to continue their successful economic development of the Albuquerque Indian School property, which will benefit not only the 19 New Mexico pueblos, but each individual tribal member.

Mr. President I ask unanimous consent that a copy 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. 3635

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 ''Albuquerque Indian School Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 19 PUEBLOS.—The term ''19 Pueblos'' means the New Mexico Indian Pueblos of—

(A) Acoma;
(B) Cochiti;
(C) Isleta;
(D) Jemez;
(E) Laguna;
(F) Nambe;
(G) Ohkay Owingeh (San Juan);
(H) Picuris;
(I) Pojoaque;
(J) San Felipe;
(K) San Ildefonso;
(L) Sandia;
(M) Santa Ana;
(N) Santa Clara;
(O) Santo Domingo;
(P) Taos;
(Q) Tesuque;
(R) Zia; and
(S) Zuni.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee).

SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) (including any improvements and appurtenances to the land) for the benefit of the 19 Pueblos.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 18.3046 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) TRACT B.—The approximately 5.9211 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the map entitled ''Site Map of the Albuquerque Indian School Property'' (including attachments).

(2) TRACT D.—The approximately 12.3835 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the map entitled ''Site Map of the Albuquerque Indian School Property'' (including attachments).

(c) USE OF LAND.—The land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(d) LIMITATIONS AND CONDITIONS.—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

SEC. 4. EFFECT OF OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this section, land taken into trust under section 3(a) shall be subject to Federal laws relating to Indian land.

(b) GAMING.—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 3(a).

Mr. BINGAMAN. Mr. President, I'm pleased today to join my colleague Senator DOMENICI in sponsoring the Albuquerque Indian School Act. This bill would direct the Secretary of Interior to take lands no longer being used by the Bureau of Indian Affairs in Albuquerque and hold them in trust for the benefit of the 19 pueblos. The bill disallows gaming on the property.

In addition to being a good thing for the pueblos, this transfer promises to be beneficial to the surrounding community, as several deteriorating structures will be renewed and new jobs brought in. Since the bill would not alter the standard public process for taking the lands into trust, I hope this will result in a consensus among all concerned on the best uses of the property.

I am pleased we are taking the first step today on a process that should be beneficial to the pueblos, the Federal Government, and local residents.

By Mr. KENNEDY:

S. 3637. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003; read the first time.

Mr. KENNEDY. Mr. President, I am introducing legislation on an intelligence issue, p. 3637.

The legislation requires the administration to provide the prewar Presidential daily briefs on Iraq to the Senate Intelligence Committee for its investigation on the way the administration's policymakers used this intelligence in its decision to go to war.

I introduced an identical bill, S. 2175, on December 22 last year, but it has not yet been reported out of the Intelligence Committee.

It is essential that the Intelligence Committee have access to all the information about prewar intelligence in Iraq for its investigation. With threats looming in North Korea and Iran, we need to learn from the mistakes of the past to ensure that we do not repeat them. The PDBs are extremely relevant to this issue, and Congress should have access to them.

By Mrs. FEINSTEIN:

S. 3638. A bill to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine

disposal in the State of California; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize water recycling and other water supply projects by the Inland Empire Utilities Agency, the Cucamonga Valley Water District, the Western Municipal Water District, the Yucaipa Valley Water District, and the City of Corona Water Utility. These projects will produce approximately 161,000 acre-feet of new water annually in one of the most rapidly growing regions in the United States, reducing the need for imported water from the Colorado River and northern California through the California Water Project.

This legislation is intended to be the companion to two House of Representatives bills: H.R. 802, sponsored by DAVID DREIER, GRACE NAPOLITANO, KEN CALVERT, JOE BACA, and GARY MILLER; and H.R. 1008, sponsored by KEN CALVERT, JERRY LEWIS, JOE BACA and DARRELL ISSA. H.R. 802 and H.R. 1008 have each passed the House of Representatives twice, in both this Congress and the previous Congress.

Environmental groups such as the Mono Lake Committee, Environmental Defense, Clean Water and Natural Resources Defense Council strongly support the water recycling and groundwater remediation projects in this bill. Business leaders such as Southern Cal Edison and Building Industry Association also support these projects.

I would like to describe the projects in this bill:

The Inland Empire Regional Water Recycling Initiative would authorize two project components. The first will be constructed by the Inland Empire Utilities Agency—IEUA—and will produce approximately 90,000 acre feet of new water annually. The second of these projects, to be constructed by the Cucamonga Valley Water District—CVWD—will produce an additional 5,000 acre feet of new water annually.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana—through the Fontana Water Company—Ontario, Upland, Montclair, Rancho Cucamonga—through the Cucamonga Valley Water District—and the Monte Vista Water District.

The next project is Western Municipal Water District's Riverside-Corona Feeder. Western provides supplemental water to a 510 square mile area of growing western Riverside County and serves a population of more than one-half million people. As a member of the Metropolitan Water District of Southern California—MWD—Western provides supplemental water to the cities of Corona, Norco, and Riverside and the water agencies of Elsinore Valley and Rancho California. Western also serves customers in the unincorporated areas of El Sobrante, Eagle Valley, Temescal Creek, Woodcrest, Lake Mathews, and March Air Reserve Base.

The purpose of the Riverside—Corona Feeder water supply project is to capture and store new water in wet years in order to increase firm water supplies, reduce water costs, and improve water quality. The project will include about 20 wells and 28 miles of pipeline. Studies have shown the safe annual yield of the aquifer is about 40,000 acre-feet.

The project would allow locally stored water to replace imported water from Colorado River and the State project sources in times of drought or other shortages. The project proposes to manage the ground water levels by the construction of ground water wells and pumping capacity to deliver the pumped ground water supply to water users. A new water conveyance pipeline is also proposed that will serve western Riverside County.

There are also very important environmental remediation aspects of the project. Up to half of the wells could be placed within plumes of VOCs and perchlorate. These wells would remediate about 20,000 acre-feet of currently contaminated water per year.

Next, the city of Corona Water Recycling and Reuse Project will consist of three reservoirs and two pump stations along with retrofitted user irrigation systems.

Additionally, 27 miles of pipelines will separate recycled water from drinking water. The reclamation system will enable the city of Corona to provide recycled water to parks, landscape maintenance districts, schools, landscaped freeway frontages and any other project that does not require potable water. It will also reduce the need for increased water imports and construction of additional drinking water infrastructure.

Finally, the Yucaipa Valley Water Supply Renewal Project will maximize the various water resources in the Yucaipa Valley. Federal funds would be used to provide federal assistance for planning, designing, and constructing the new Yucaipa Valley Regional Water Filtration Facility that is part of the renewal project. The new facility will contain a reverse osmosis system and a brine pipeline to remove salinity, contaminants, and organic compounds from the water supply in the Yucaipa Valley. The brine pipeline will extend nearly 20 miles to the existing Santa Ana Regional Interceptor brine pipeline.

This project will minimize the amount of water imported from northern California, maximize the use of higher quality water, reduce withdrawals from ground water supplies, and provide a long-term, drought-proof water supply. The full project is expected to reduce demands on the California State Water Project by over 4 billion gallons per year, which is a sufficient quantity of water for 27,000 families.

I want to say a few words about the importance of water recycling projects.

The development of recycled water can bring significant amounts of water ''on line'' in a relatively short period of time. Recycled water provides our State and region with the ability to ''stretch'' existing water supplies significantly and in so doing, minimize conflict and address the many needs that exist. According to the State of California's Recycled Water Task Force, water recycling is a critical part of California's water future with an estimated 1.5 million acre-feet of new supplies being developed over the next 25 years.

Water recycling is also a bipartisan initiative in California, as witnessed by the many Republican and Democratic House cosponsors of the House versions of the bill I introduce today.

It also has a long history. In 1991, the Secretary of the Interior in President George H.W. Bush's administration, Manual Lujan, recognized that California would need an alternative water supply source because it was receiving more water from the Colorado River than its allocation.

In a bold and farsighted maneuver, in August 1991, Secretary Lujan launched the Southern California Water Initiative, a program to evaluate and study the feasibility of water reclamation projects. Mr. Lujan's vision was to build replacement water capacity to offset the anticipated Colorado River water supply reductions.

Congress, in 1992, was completing work on major water legislation saw the wisdom of the Lujan initiative too. Lujan's proposal, a year after it was first announced, became title XVI, the Bureau of Reclamation water recycling program that today serves the entire West, not just California. Today, water recycling is the essential water supply element in Albuquerque, Phoenix, Denver, Salt Lake City, Tucson, El Paso, San Antonio, Portland, and other western metropolitan areas.

I urge my colleagues to support this bill to help meet the West's water supply needs and to reduce our dependence on the Colorado River. 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. 3638

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''The Water Recycling and Riverside-Corona Feeder Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—THE INLAND EMPIRE REGIONAL WATER RECYCLING INITIATIVE

Sec. 102. Short title.

Sec. 103. Inland Empire and Cucamonga Valley recycling projects.

TITLE II—PROJECTS IN RIVERSIDE AND SAN BERNARDINO COUNTIES

Sec. 201. Planning, design, and construction of the Riverside-Corona Feeder.

Sec. 202. Project authorizations.

TITLE I—THE INLAND EMPIRE REGIONAL WATER RECYCLING INITIATIVE

SEC. 102. SHORT TITLE.

This title may be cited as the ''The Inland Empire Regional Water Recycling Initiative''.

SEC. 103. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS.

(a) RECYCLING PROJECTS.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, Title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1637. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''SEC. 1638. CUCAMONGA VALLEY WATER RECYCLING PROJECT.

''(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.''.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 1636 the following:

''Sec. 1637. Inland Empire Regional Water Recycling Program

''Sec. 1638. Cucamonga Valley Water Recycling Project''.

TITLE II—PROJECTS IN RIVERSIDE AND SAN BERNARDINO COUNTIES

SEC. 201. PLANNING, DESIGN, AND CONSTRUCTION OF THE RIVERSIDE-CORONA FEEDER.

(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the Western Municipal Water District, may participate in a project to plan, design, and construct a water supply project, the Riverside-Corona Feeder, which includes 20 groundwater wells and 28 miles of pipeline in San Bernardino and Riverside Counties, California.

(b) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this section.

(c) FEDERAL COST SHARE.—

(1) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the project described in subsection (a) shall be the lesser of 35 percent of the total cost of the project or $50,000,000.

(2) STUDIES.—The Federal share of the cost to complete the necessary planning study associated with the project described in subsection (a) shall not exceed 50 percent of the total study cost.

(d) IN-KIND SERVICES.—In-kind services performed by the Western Municipal Water District shall be considered a part of the local cost share to complete the project described in subsection (a).

(e) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).

SEC. 202. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 163x. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed described in the report submitted under section 1606.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

''SEC. 163x. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.''.

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 163__ the following:

''Sec. 163x. Yucaipa Valley Regional Water Supply Renewal Project

''Sec. 163x. City of Corona Water Utility, California, water recycling and reuse project''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4550. Mr. SPECTER (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4551. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4552. Mr. KERRY (for himself, Ms. SNOWE, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4553. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4554. Mr. SALAZAR (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4555. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra.

SA 4556. Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mr. TALENT, Ms. CANTWELL, Mr. SALAZAR, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. ALLEN, Mr. DOMENICI, and Mr. BROWNBACK) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra.

SA 4557. Mr. BYRD (for himself, Mr. GREGG, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BINGAMAN, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 5441, supra.

SA 4558. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4559. Mr. BYRD (for himself, Mr. GREGG, Mr. KOHL, Mrs. CLINTON, Mr. MENENDEZ, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. SCHUMER) proposed an amendment to the bill H.R. 5441, supra.

SA 4560. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. LOTT, Mr. CARPER, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5441, supra.

SA 4561. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4562. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4563. Mrs. CLINTON (for herself, Mr. AKAKA, Mr. LEAHY, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra.

SA 4564. Mrs. CLINTON (for herself, Mr. AKAKA, Mr. LEAHY, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4565. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4566. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4567. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4568. Mr. DEMINT (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4569. Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4570. Mr. LOTT submitted an amendment intended to be proposed by him to the

bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4571. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4572. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4573. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4574. Mr. COLEMAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4575. Mr. SANTORUM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4576. Mrs. CLINTON (for herself, Mr. SCHUMER, Ms. MIKULSKI, Mr. MENENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. REED, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4577. Mr. CORNYN proposed an amendment to amendment SA 4566 submitted by Mrs. MURRAY and intended to be proposed to the bill H.R. 5441, supra.

SA 4578. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, Mr. VOINOVICH, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

SA 4579. Mr. GREGG proposed an amendment to the bill H.R. 5441, supra.

SA 4580. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 5441, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4550. Mr. SPECTER (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 2, strike the semicolon and insert the following: ": *Provided*, That $25,000,000 shall be available until expended for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such Code (in this subparagraph referred to as "nonprofit organizations")) determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack, and that these determinations shall not be delegated to any Federal, State, or local government official: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall make available to nonprofit organizations the requirements for an application for a grant under the preceding proviso, which application shall be submitted not later than 45 days after the date of the grant announcement, and the Office for Grants and Training shall take action on such an application not later than 15 days after the date of receiving such application: *Provided further*, That the Secretary of Homeland Security shall submit an annual report to the Committee on Appropriations of the Senate and Committee on Appropriations of the House of Representatives on the threat or potential threat to each nonprofit organization receiving a grant under this subparagraph: *Provided further*, That the Secretary shall distribute any unallocated funds to assist nonprofit organizations determined by the Secretary to be at high-risk or potential high-risk of a terrorist attack provided for in title III of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109-90; 119 Stat. 2075) under the heading "STATE AND LOCAL PROGRAMS" under the heading "OFFICE FOR DOMESTIC PREPAREDNESS" under the terms and conditions in this subparagraph: *Provided further*, That in determining the allocation of funds to nonprofit organizations under this subparagraph the Secretary shall consider—

(i) potential threats from any organization designated as an international terrorist organization by the Department of State or a separate network or cell that may operate domestically or internationally against any group of United States citizens who operate or are principal beneficiaries or users of a nonprofit organization;

(ii) prior attacks, within or outside the United States by an organization described in clause (i) against a nonprofit organization or entities associated with or similarly situated as a nonprofit organization;

(iii) symbolic value (including whether a nonprofit organization is a highly recognized national, cultural, or historic institution);

(iv) the role of a nonprofit organization in responding to an international terrorist attack;

(v) any previously conducted threat or vulnerability assessments; and

(vi) any increased threats to specific sectors or areas;

On page 92, line 19, before the comma insert "other than grants to nonprofit organizations as provided for under that subparagraph".

SA 4551. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. PROHIBITION ON CONFISCATION OF FIREARMS.

None of the funds appropriated by this Act may be used to temporarily or permanently seize any firearm the possession of which is not prohibited under Federal or State law, other than for forfeiture in compliance with Federal or State law or as evidence in a criminal investigation.

SA 4552. Mr. KERRY (for himself, Ms. SNOWE, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.____. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SA 4553. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike "$2,393,500,000" and insert "$3,493,500,000".

On page 91, line 22, strike "$1,172,000,000" and insert "$2,272,000,000".

On page 92, line 13, strike "$150,000,000" and insert "$1,250,000,000".

On page 92, line 16, before the semicolon, insert the following: ", of which—

(i) $670,000,000 shall be for tunnel upgrades along the Northeast corridor;

(ii) $250,000,000 shall be for passenger and freight rail security grants;

(iii) $100,000,000 shall be for research and development of bomb detection technology; and

(iv) $65,000,000 shall be for intercity passenger rail security upgrades, of which $25,000,000 shall be used—

(I) to provide a 25 percent salary increase for existing Amtrak Police personnel; and

(II) to expand the Amtrak police force by 200 officers

SA 4554. Mr. SALAZAR (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives with an assessment of short-term (defined as within 2 years after the date of enactment of this Act), intermediate-term (defined as between 2 years and 4 years after such date of enactment), and long-term (defined as more than 4 years after such date of enactment) actions necessary for the Department of Homeland Security to take in order to assist Federal, State, and local governments achieve communications interoperability, including equipment acquisition, changes in governance structure, and training.

SA 4555. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. The Secretary of Homeland Security shall prepare a report for submission to Congress by the President with the budget for fiscal year 2008 transmitted under section 1105(a) of title 31, United States Code, that—

(1) identifies activities being carried out by the Department of Homeland Security to improve—

(A) the targeting of agricultural inspections;

(B) the ability of United States Customs and Border Protection to adjust to new agricultural threats; and

(C) the in-service training for interception of prohibited plant and animal products and

agricultural pests under the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service; and

(2) describes the manner in which the Secretary of Homeland Security will coordinate with the Secretary of Agriculture and State and local governments in carrying out the activities described in paragraph (1).

SA 4556. Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mr. TALENT, Ms. CANTWELL, Mr. SALAZAR, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. ALLEN, Mr. DOMENICI, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) CONSTRUCTION OF BORDER TUNNEL OR PASSAGE.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§ 554. Border tunnels and passages

''(a) Any person who knowingly constructs or finances the construction of a tunnel or subterranean passage that crosses the international border between the United States and another country, other than a lawfully authorized tunnel or passage known to the Secretary of Homeland Security and subject to inspection by the Bureau of Immigration and Customs Enforcement, shall be fined under this title and imprisoned for not more than 20 years.

''(b) Any person who knows or recklessly disregards the construction or use of a tunnel or passage described in subsection (a) on land that the person owns or controls shall be fined under this title and imprisoned for not more than 10 years.

''(c) Any person who uses a tunnel or passage described in subsection (a) to unlawfully smuggle an alien, goods (in violation of section 545), controlled substances, weapons of mass destruction (including biological weapons), or a member of a terrorist organization (as defined in section 2339B(g)(6)) shall be subject to a maximum term of imprisonment that is twice the maximum term of imprisonment that would have otherwise been applicable had the unlawful activity not made use of such a tunnel or passage.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 554. Border tunnels and passages.''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(6) of title 18, United States Code, is amended by inserting ''554,'' before ''1425,''.

(d) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall promulgate or amend sentencing guidelines to provide for increased penalties for persons convicted of offenses described in section 554 of title 18, United States Code, as added by subsection (a).

(2) REQUIREMENTS.—In carrying out this subsection, the United States Sentencing Commission shall—

(A) ensure that the sentencing guidelines, policy statements, and official commentary reflect the serious nature of the offenses described in section 554 of title 18, United States Code, and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) provide adequate base offense levels for offenses under such section;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(i) the use of a tunnel or passage described in subsection (a) of such section to facilitate other felonies; and

(ii) the circumstances for which the sentencing guidelines currently provide applicable sentencing enhancements;

(D) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(E) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(F) ensure that the sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

SA 4557. Mr. BYRD (for himself, Mr. GREGG, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. BINGAMAN, and Mr. LIEBERMAN) proposed an amendment to the bill1 H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

TITLE VI

BORDER SECURITY INFRASTRUCTURE ENHANCEMENTS

SEC. 601. (a) Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust fees charged by the Department against any non-United States citizen by notice in the Federal register no later than January 1, 2007, to achieve not less than $350,000,000 in additional receipts by September 30, 2007: *Provided*, That the Secretary may adjust only those fees authorized under the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act: *Provided further*, That this adjustment shall be in addition to fees authorized under 8 United States Code 1356.

(b) Amounts collected under subsection (a) shall be deposited in the accounts as provided by 8 United States Code 1356: *Provided*, That of the total amount collected pursuant to subsection (a) the Secretary shall transfer the following amounts:

(1) $25,000,000 to Customs and Border Protection ''Salaries and Expenses'' for vehicle replacement;

(2) $105,000,000 to Customs and Border Protection ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'' for air asset replacement and air operations facilities upgrades;

(3) $90,000,000 to Customs and Border Protection ''Construction'';

(4) $30,000,000 to Immigration and Customs Enforcement ''Salaries and Expenses'' for vehicle replacement; and,

(5) $15,000,000 to Immigration and Customs Enforcement ''Automation Modernization''.

(c) Of the total amount collected pursuant to subsection (a) $85,000,000 shall be made available to United States Citizenship and Immigration Services: *Provided*, That of the additional amount available, $47,000,000 shall be for Business Transformation and $38,000,000 shall be for Fraud Detection and National Security initiatives.

(d) Amounts deposited under paragraph (b) shall remain available until expended for the activities and services described in paragraphs (b) and (c).

SA 4558. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY

SEC. . No amount appropriated by this or any other Act may be used to enforce or comply with any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, and no amount appropriated by this or any other Act may be used to enforce or comply with any administrative rule or regulation imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, except to the extent that enforcement or compliance with that limitation does not prevent the Secretary of Homeland Security from recruiting and hiring such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of 10 minutes.

SA 4559. Mr. BYRD (for himself, Mr. GREGG, Mr. KOHL, Mrs. CLINTON, Mr. MENENDEZ, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. SCHUMER) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE VII—SUPPLEMENTAL APPROPRIATIONS FOR PORT SECURITY ENHANCEMENTS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to enhance port security for the fiscal year ending September 30, 2006, and for other purposes, namely:

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $251,000,000, to remain available until expended.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $23,000,000, to remain available until expended: Provided, That funding is available to accelerate foreign port security assessments, conduct domestic port vulnerability assessments, and perform unscheduled security audits of facilities regulated by chapter 701 of title 46, United States Code, commonly known as the Maritime Transportation Security Act of 2002.

UNITED STATES COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'' for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, $184,000,000 for the Integrated Deepwater Systems program, to remain available

until expended: *Provided,* That funding is available to acquire maritime patrol aircraft and parent craft patrol boats, to provide armed helicopter capability, and to sustain the medium endurance cutter fleet.

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $190,000,000 to remain available until September 30, 2007: *Provided,* That the entire amount shall be for port security grants pursuant to the purposes of subsection (a) through (h) of section 70107 of title 46, United States Code, which shall be awarded based on risk notwithstanding subsection (a), for eligible costs as defined in paragraphs (2), (3), and (4) of subsection (b).

SA 4560. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. LOTT, Mr. CARPER, and Mr. SALAZAR) proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 127, between lines 2 and 3, insert the following:

TITLE VI—UNITED STATES EMERGENCY MANAGEMENT AUTHORITY

SEC. 601. SHORT TITLE.

This title may be cited as the ''United States Emergency Management Authority Act of 2006''.

SEC. 602. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended—

(1) by striking the title heading and inserting the following:

''TITLE V—NATIONAL PREPAREDNESS AND RESPONSE'';

(2) by striking sections 501 through 503;

(3) by striking sections 506 and 507;

(4) by redesignating sections 504, 505, 508, and 509 as sections 521, 522, 523, and 524, respectively;

(5) by redesignating section 510 (relating to procurement of security countermeasures for the strategic national stockpile) as section 525;

(6) by redesignating section 510 (relating to urban and other high risk area communications capabilities) as section 526; and

(7) by inserting before section 521, as so redesignated by this section, the following:

''SEC. 501. DEFINITIONS.

''In this title—

''(1) the term 'all-hazards-plus' means an approach to preparedness, response, recovery, and mitigation that emphasizes the development of capabilities that are common to natural and man-made disasters, while also including the development of capabilities that are uniquely relevant to specific types of disasters;

''(2) the term 'Authority' means the United States Emergency Management Authority established under section 502;

''(3) the term 'Administrator' means the Administrator of the Authority;

''(4) the term 'Federal coordinating officer' means a Federal coordinating officer as described in section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143);

''(5) the term 'National Advisory Council' means the National Advisory Council on Emergency Preparedness and Response established under section 508;

''(6) the term 'National Incident Management System' means the National Incident Management System as described in the National Response Plan;

''(7) the term 'National Response Plan' means the National Response Plan prepared under Homeland Security Presidential Directive 5 or any presidential directive meant to replace or augment that directive;

''(8) the term 'Nuclear Incident Response Team' means a resource that includes—

''(A) those entities of the Department of Energy that perform nuclear or radiological emergency support functions (including accident response, search response, advisory, and technical operations functions), radiation exposure functions at the medical assistance facility known as the Radiation Emergency Assistance Center/Training Site (REAC/TS), radiological assistance functions, and related functions; and

''(B) those entities of the Environmental Protection Agency that perform such support functions (including radiological emergency response functions) and related functions;

''(9) the term 'Regional Advisory Council' means a Regional Advisory Council on Preparedness and Response established under section 503;

''(10) the term 'Regional Administrator' means a Regional Administrator for Preparedness and Response appointed under section 507;

''(11) the term 'Regional Office' means a Regional Office established under section 507; and

''(12) the term 'surge capacity' means the ability to rapidly and substantially increase the provision of search and rescue capabilities, food, water, medicine, shelter and housing, medical care, evacuation capacity, staffing, including disaster assistance employees, and other resources necessary to save lives and protect property during a catastrophic incident, or other natural or man-made disaster.

''SEC. 502. UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

''(a) IN GENERAL.—There is established in the Department the United States Emergency Management Authority, headed by an Administrator.

''(b) MISSION.—The mission of the Authority is to—

''(1) lead the Nation's efforts to prepare for, respond to, recover from, and mitigate the risks of natural and man-made disasters, including catastrophic incidents;

''(2) partner with State and local governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to a catastrophic incident or other natural or man-made disaster;

''(3) develop a Federal response capability that, when necessary and appropriate, can act effectively, rapidly, and proactively to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural or man-made disaster;

''(4) fuse the Department's emergency response, preparedness, recovery, mitigation, and critical infrastructure assets into a new, integrated organization that can effectively confront the challenges of a natural or man-made disaster;

''(5) develop and maintain robust Regional Offices that will work with State and local governments and emergency response providers to identify and address regional priorities;

''(6) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department that can be brought to bear in preparing for and responding to a natural or man-made disaster;

''(7) carry out the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

''(8) provide funding, training, exercises, technical assistance, planning, and other assistance, to build local, State, regional, and national capabilities, including communications capabilities, necessary to respond to a potential natural or man-made disaster;

''(9) implement an all-hazards-plus strategy for preparedness that places priority on building those common capabilities necessary to respond to both terrorist attacks and natural disasters while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation; and

''(10) promote, plan for, and facilitate the security and resiliency of critical infrastructure and key resources, including cyber infrastructure, against a natural or man-made disaster, and the post-disaster restoration of such critical infrastructure and key resources.

''(c) ADMINISTRATOR.—

''(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Administrator shall have not less than 5 years of executive leadership and management experience in the public or private sector, significant experience in crisis management or another relevant field, and a demonstrated ability to manage a substantial staff and budget.

''(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

''(4) PRINCIPAL ADVISOR ON EMERGENCY PREPAREDNESS AND RESPONSE.—

''(A) IN GENERAL.—The Administrator is the principal emergency preparedness and response advisor to the President, the Homeland Security Council, and the Secretary.

''(B) ADVICE AND RECOMMENDATIONS.—

''(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency mitigation, preparedness, response, and recovery options with respect to that matter.

''(ii) ADVICE ON REQUEST.—The Administrator, as an emergency preparedness and response advisor, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

''(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency preparedness and response as the Administrator considers appropriate.

''(C) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

''SEC. 503. AUTHORITIES AND RESPONSIBILITIES.

''(a) IN GENERAL.—The Administrator shall provide Federal leadership necessary to prepare for and respond to a natural or man-made disaster, including—

''(1) carrying out the mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency preparedness and response program of—

''(A) mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

''(B) preparedness, by planning, training, and building the emergency preparedness and response workforce to prepare effectively for, mitigate against, respond to, and recover from any hazard;

''(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment, personnel, and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

''(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

''(E) critical infrastructure protection, by establishing an inventory of, and protections for, public and private sector critical infrastructure, including cyber and communications assets;

''(2) increasing efficiencies, by coordinating efforts relating to mitigation, preparedness, response, recovery, and infrastructure protection;

''(3) helping to ensure the effectiveness of emergency response providers in responding to a natural or man-made disaster;

''(4) providing the Federal Government's response to a natural or man-made disaster, including—

''(A) managing such response;

''(B) directing the Domestic Emergency Support Team, the National Disaster Medical System, and (when operating as an organizational unit of the Department under this title) the Nuclear Incident Response Team;

''(C) overseeing the Metropolitan Medical Response System; and

''(D) coordinating other Federal response resources, including requiring deployment of the Strategic National Stockpile, in the event of a natural or man-made disaster;

''(5) working with Federal, State, and local government personnel, agencies, and authorities to build a comprehensive national incident management system to respond to a natural or man-made disaster;

''(6) with respect to the Nuclear Incident Response Team (regardless of whether it is operating as an organizational unit of the Department under this title)—

''(A) establishing standards and certifying when those standards have been met;

''(B) conducting joint and other exercises and training and evaluating performance; and

''(C) providing funds to the Department of Energy and the Environmental Protection Agency, as appropriate, for homeland security planning, exercises and training, and equipment;

''(7) helping to ensure that emergency response providers acquire interoperable and sustainable technology;

''(8) assisting the President in carrying out the functions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

''(9) administering homeland security emergency management, first responder, and other preparedness grants;

''(10) administering and implementing the National Response Plan, including monitoring, evaluating, and ensuring the readiness of each emergency support function under the National Response Plan;

''(11) coordinating with the National Advisory Council;

''(12) ensuring the protection of critical infrastructure by—

''(A) carrying out the responsibilities under paragraphs (2) through (6) of section 201(d);

''(B) helping ensure the protection and resiliency of key resources and critical infrastructure, including cyber infrastructure, against a natural or man-made disaster; and

''(C) planning for, assisting with, and facilitating, the restoration of key resources and critical infrastructure, including cyber infrastructure, in the event of a natural or man-made disaster;

''(13) establishing in each Regional Office a Regional Advisory Council on Preparedness and Response, to advise the Regional Administrator of that Regional Office on emergency preparedness and response issues specific to the region; and

''(14) otherwise carrying out the mission of the Authority as described in section 502(b).

''(b) ADDITIONAL RESPONSIBILITIES RELATED TO CATASTROPHIC INCIDENTS.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary and other senior Department officials, shall develop a national emergency management system that is capable of responding to catastrophic incidents.

''(2) IDENTIFICATION OF RESOURCES.—

''(A) IN GENERAL.—The Administrator shall develop and submit to Congress annually an estimate of the resources of the Authority and other Federal agencies needed for and devoted specifically to developing local, State, and national capabilities necessary to respond to a catastrophic incident.

''(B) CONTENTS.—Each estimate under subparagraph (A) shall include the resources both necessary for and devoted to—

''(i) planning;

''(ii) training and exercises;

''(iii) Regional Office enhancements;

''(iv) staffing, including for surge capacity during a catastrophic event;

''(v) additional logistics capabilities;

''(vi) other responsibilities under the Catastrophic Incident Annex of the Catastrophic Incident Supplement of the National Response Plan; and

''(vii) State and local catastrophic preparedness.

''(c) ALL-HAZARDS-PLUS APPROACH.—In carrying out this section, the Administrator shall implement an all-hazards-plus strategy that places priority on building those common capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of terrorist attacks and natural disasters, while also building the unique capabilities necessary to prepare for, respond to, recover from, and mitigate the risks of specific types of incidents that pose the greatest risk to the Nation.

"SEC. 504. AUTHORITY COMPONENTS.

''There are transferred to the Authority the following:

''(1) Except as provided in title III of the Department of Homeland Security Appropriations Act, 2007, regarding the transfer of the National Disaster Medical System, the Federal Emergency Management Agency, as constituted on June 1, 2006, including all of its functions, personnel, assets, components, and liabilities, and including the functions of the Under Secretary for Federal Emergency Management relating thereto.

''(2) The Directorate of Preparedness, as constituted on June 1, 2006, including all of its functions, personnel assets, components, and liabilities, and including the functions of the Under Secretary for Preparedness relating to the Directorate, as constituted on that date.

"SEC. 505. PRESERVING THE UNITED STATES EMERGENCY MANAGEMENT AUTHORITY.

''(a) DISTINCT ENTITY.—The Authority shall be maintained as a distinct entity within the Department.

''(b) REORGANIZATION.—Section 872 shall not apply to the Authority, including any function or organizational unit of the Authority.

''(c) PROHIBITION ON CHANGES TO MISSIONS.—

''(1) IN GENERAL.—The Secretary may not substantially or significantly reduce the authorities, responsibilities, or functions of the Authority or the capability of the Authority to perform those responsibilities, except as otherwise specifically provided in an Act enacted after the date of enactment of the United States Emergency Management Authority Act of 2006.

''(2) CERTAIN TRANSFERS PROHIBITED.—No asset, function or mission of the Authority may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the capability of the Authority to perform its missions.

"SEC. 506. DIRECTORS.

''(a) IN GENERAL.—There shall be in the Authority a Director for Preparedness and a Director for Response and Recovery, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall report to the Administrator.

''(b) QUALIFICATIONS.—

''(1) IN GENERAL.—A Director shall have—

''(A) not less than 5 years of—

''(i) executive leadership and management experience in the public or private sector; and

''(ii) significant experience in crisis management or another relevant field; and

''(B) a demonstrated ability to manage a substantial staff and budget.

''(2) CONCURRENT EXPERIENCE.—Service during any period of time may be used in meeting the requirements under both clause (i) and (ii) of paragraph (1)(A).

''(c) INITIAL DIRECTORS.—The individual serving as the Under Secretary for Preparedness and the individual serving as the Under Secretary for the Federal Emergency Management Agency on the effective date of the United States Emergency Management Authority Act of 2006, may serve as the Director for Preparedness and the Director of Response and Recovery, respectively, until a Director for Preparedness or a Director of Response and Recovery, as the case may be, is appointed under subsection (a).

"SEC. 507. REGIONAL OFFICES.

''(a) IN GENERAL.—

''(1) REGIONAL OFFICES.—The Administrator shall establish 10 Regional Offices of the Authority.

''(2) ADDITIONAL OFFICE.—In addition to the Regional Offices established under paragraph (1), the Administrator may designate the Office for National Capital Region Coordination under section 882 as a Regional Office.

''(b) MANAGEMENT OF REGIONAL OFFICES.—

''(1) REGIONAL ADMINISTRATOR.—Each Regional Office shall be headed by a Regional Administrator for Preparedness and Response, who shall be appointed by the Administrator. Each Regional Administrator for Emergency Preparedness and Response shall report directly to the Administrator.

''(2) QUALIFICATIONS.—Each Regional Office shall be headed by an individual in the Senior Executive Service qualified to act as a senior Federal coordinating officer to provide strategic oversight of incident management when needed.

''(c) RESPONSIBILITIES.—

''(1) IN GENERAL.—The Regional Administrator shall work in partnership with State and local governments, emergency managers, emergency response providers, medical providers, the private sector, nongovernmental organizations, multijurisdictional councils of governments, and regional planning commissions and organizations in the geographical area served by the Regional Office to carry out the responsibilities of a Regional Administrator under this section.

''(2) RESPONSIBILITIES.—The responsibilities of a Regional Administrator include—

''(A) ensuring effective, coordinated, and integrated regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development);

''(B) coordinating and integrating regional preparedness, mitigation, response, and recovery activities and programs for natural and man-made disasters (including planning, training, exercises, and professional development), which shall include—

''(i) providing regional and interstate planning assistance;

''(ii) organizing, in consultation with the Administrator, regional training and exercise programs;

''(iii) providing support and coordination officers for State and local government training and exercises;

''(iv) participating in emergency preparedness and planning activities by State, regional, and local governments;

''(v) assisting in the development of regional capabilities needed for a national catastrophic response system; and

''(vi) helping to coordinate and develop interstate agreements;

''(C) establishing and overseeing 1 or more strike teams within the region under subsection (e), which shall serve as the focal point of the Federal Government's initial response efforts for a natural or man-made disaster within that region, and otherwise building Federal response capabilities to respond to a natural or man-made disaster within that region;

''(D) working with the private sector to assess weaknesses in critical infrastructure protection in the region and to design and implement programs to address those weaknesses;

''(E) coordinating all activities conducted under this section with other Federal departments and agencies; and

''(F) performing such other duties relating to such responsibilities as the Administrator may require.

''(d) AREA OFFICES.—The Administrator shall establish an Area Office for the Pacific and an Area Office for the Caribbean, as components in the appropriate Regional Offices.

''(e) REGIONAL OFFICE STRIKE TEAMS.—

''(1) ESTABLISHMENT.—In coordination with other relevant Federal agencies, each Regional Administrator shall establish multi-agency strike teams that shall consist of—

''(A) a designated Federal coordinating officer;

''(B) personnel trained in incident management;

''(C) public affairs, response and recovery, and communications support personnel;

''(D) a defense coordinating officer;

''(E) liaisons to other Federal agencies;

''(F) such other personnel as the Administrator or Regional Administrator determines appropriate; and

''(G) individuals from the agencies with primary responsibility for each of the emergency support functions in the National Response Plan, including the following:

''(i) Transportation.

''(ii) Communications.

''(iii) Public works and engineering.

''(iv) Emergency management.

''(v) Mass care.

''(vi) Housing and human services.

''(vii) Public health and medical services.

''(viii) Urban search and rescue.

''(ix) Public safety and security.

''(x) External affairs.

''(2) LOCATION OF MEMBERS.—The members of each Regional Office strike team, including representatives from agencies other than the Department, shall be based primarily at the Regional Office that corresponds to that strike team.

''(3) COORDINATION.—Each Regional Office strike team shall coordinate the training and exercises of that strike team with the State and local governments and private sector and nongovernmental entities which the strike team shall support when a natural or man-made disaster occurs.

''(4) PREPAREDNESS.—Each Regional Office strike team shall be trained, equipped, and staffed to be well prepared to respond to natural and man-made disasters, including catastrophic incidents.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this subsection.

''SEC. 508. NATIONAL ADVISORY COUNCIL ON EMERGENCY PREPAREDNESS AND RESPONSE.

''(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of the United States Emergency Management Authority Act of 2006, the Secretary shall establish an advisory body under section 871(a), to be known as the National Advisory Council on Emergency Preparedness and Response.

''(b) RESPONSIBILITIES.—The National Advisory Council shall advise the Administrator on all aspects of emergency preparedness and response.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the National Advisory Council shall be appointed by the Administrator, and shall, to the extent practicable, represent a geographic (including urban and rural) and substantive cross section of State and local government officials and emergency managers, and emergency response providers, from State and local governments, the private sector, and nongovernmental organizations, including as appropriate—

''(A) members selected from the emergency preparedness and response fields, including fire service, law enforcement, hazardous materials response, emergency medical services, and emergency preparedness and response personnel;

''(B) health scientists, emergency and inpatient medical providers, and public health professionals;

''(C) experts representing standards setting organizations;

''(D) State and local government officials with expertise in terrorism preparedness and emergency preparedness and response;

''(E) elected State and local government executives;

''(F) experts in public and private sector infrastructure protection, cybersecurity, and communications;

''(G) representatives of the disabled and other special needs populations; and

''(H) such other individuals as the Administrator determines to be appropriate.

''(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

''(1) IN GENERAL.—Notwithstanding section 871(a) and subject to paragraph (2), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Advisory Council.

''(2) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

''SEC. 509. NATIONAL INCIDENT MANAGEMENT SYSTEM INTEGRATION CENTER.

''(a) IN GENERAL.—There is in the Authority a National Incident Management System Integration Center.

''(b) RESPONSIBILITIES.—

''(1) IN GENERAL.—The Administrator, through the National Incident Management System Integration Center, and in consultation with other Federal departments and agencies and the National Advisory Council, shall ensure ongoing management and maintenance of the National Incident Management System, the National Response Plan, any other document or tool in support of Homeland Security Presidential Directive 5, or any other Homeland Security Presidential Directive relating to incident management and response.

''(2) SPECIFIC RESPONSIBILITIES.—The National Incident Management System Integration Center shall—

''(A) periodically review, and revise, as appropriate, the National Incident Management System and the National Response Plan;

''(B) review other matters relating to the National Incident Management System and the National Response Plan, as the Administrator may require;

''(C) develop and implement a national program for National Incident Management System and National Response Plan education and awareness;

''(D) oversee all aspects of the National Incident Management System, including the development of compliance criteria and implementation activities at Federal, State, and local government levels;

''(E) provide guidance and assistance to States and local governments and emergency response providers, in adopting the National Incident Management System; and

''(F) perform such other duties relating to such responsibilities as the Administrator may require.

''SEC. 510. NATIONAL OPERATIONS CENTER.

''(a) DEFINITION.—In this section, the term 'situational awareness' means information gathered from a variety of sources that, when communicated to emergency preparedness and response managers and decision makers, can form the basis for incident management decisionmaking.

''(b) ESTABLISHMENT.—There is established in the Department a National Operations Center.

''(c) PURPOSE.—The purposes of the National Operations Center are to—

''(1) coordinate the national response to any natural or man-made disaster, as determined by the Secretary;

''(2) provide situational awareness and a common operating picture for the entire Federal Government, and for State and local governments as appropriate, for an event described in paragraph (1);

''(3) collect and analyze information to help deter, detect, and prevent terrorist acts;

''(4) disseminate terrorism and disaster-related information to Federal, State, and local governments;

''(5) ensure that critical terrorism and disaster-related information reaches government decision-makers; and

''(6) perform such other duties as the Secretary may require.

''(d) RESPONSIBILITIES.—The National Operations Center shall carry out the responsibilities of the Homeland Security Operations Center, the National Response Coordination

Center, and the Interagency Incident Management Group, as constituted on September 1, 2005.

"SEC. 511. CHIEF MEDICAL OFFICER.

''(a) IN GENERAL.—There is in the Authority a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate. The Chief Medical Officer shall report directly to the Administrator.

''(b) QUALIFICATIONS.—The individual appointed as Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine and public health.

''(c) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical issues related to natural and man-made disasters, including—

''(1) serving as the principal advisor to the Secretary and the Administrator on medical and public health issues;

''(2) coordinating the biosurveillance and detection activities of the Department;

''(3) ensuring internal and external coordination of all medical preparedness and response activities of the Department, including training, exercises, and equipment support;

''(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments or agencies, on medical and public health issues;

''(5) serving as the Department's primary point of contact for State and local government, the medical community, and others within and outside the Department, with respect to medical and public health matters;

''(6) discharging, in coordination with the Under Secretary for Science and Technology, the responsibilities of the Department related to Project Bioshield;

''(7) establishing doctrine and priorities for the National Disaster Medical System, consistent with the National Response Plan and the National Incident Management System, supervising its medical components, and exercising predeployment operational control, including—

''(A) determining composition of the teams;

''(B) overseeing credentialing of the teams; and

''(C) training personnel of the teams;

''(8) establishing doctrine and priorities for the Metropolitan Medical Response System, consistent with the National Response Plan and the National Incident Management System;

''(9) managing the Metropolitan Medical Response System, including developing and overseeing standards, plans, training, and exercises and coordinating with the Office of Grants and Training on the use and distribution of Metropolitan Medical Response grants;

''(10) assessing and monitoring long-term health issues of emergency managers and emergency response providers;

''(11) developing and updating, in consultation with the Secretary of Health and Human Services, guidelines for State and local governments for medical response plans for chemical, biological, radiological, nuclear, or explosive weapon attacks;

''(12) developing, in consultation with the Secretary of Health and Human Services, appropriate patient tracking capabilities to execute domestic patient movement and evacuations, including a system that has the capacity of electronically maintaining and transmitting the health information of hospital patients;

''(13) establishing and providing oversight for the Department's occupational health and safety program, including workforce health; and

''(14) performing such other duties relating to such responsibilities as the Secretary or the Administrator may require.

''(d) LONG-TERM HEALTH ASSESSMENT PROGRAM.—The Chief Medical Officer, in consultation with the Director of the National Institute for Occupational Safety and Health, shall establish a program to assess, monitor, and study the health and safety of emergency managers and emergency response providers, following Incidents of National Significance declared by the Secretary under the National Response Plan.

"SEC. 512. PUBLIC AND COMMUNITY PREPAREDNESS.

''The Administrator shall promote public and community preparedness.

"SEC. 513. SAVER PROGRAM.

''(a) IN GENERAL.—In the Department there is a System Assessment and Validation for Emergency Responders Program to provide impartial evaluations of emergency response equipment and systems.

''(b) REQUIREMENTS.—The program established under subsection (a) shall—

''(1) provide impartial, practitioner relevant, and operationally oriented assessments and validations of emergency response provider equipment and systems that have not already been third-party certified to a standard adopted by the Department, including—

''(A) commercial, off-the-shelf emergency response provider equipment and systems in all equipment list categories of the Standardized Equipment List published by the Interagency Board for Equipment Standardization and Interoperability; and

''(B) such other equipment or systems as the Secretary determines are appropriate;

''(2) provide information that enables decision-makers and emergency response providers to better select, procure, use, and maintain emergency response provider equipment or systems;

''(3) assess and validate the performance of products within a system and subsystems; and

''(4) provide information and feedback to emergency response providers through the Responder Knowledge Base of the National Memorial Institute for the Prevention of Terrorism, or other appropriate forum.

''(c) ASSESSMENT AND VALIDATION PROCESS.—The assessment and validation of emergency response provider equipment and systems shall use multiple evaluation techniques, including—

''(1) operational assessments of equipment performance on vehicle platforms;

''(2) technical assessments on a comparative basis of system component performance across makes and models under controlled conditions; and

''(3) integrative assessments on an individual basis of system component interoperability and compatibility with other system components.

''(d) PERSONAL PROTECTIVE EQUIPMENT.—To the extent practical, the assessment and validation of personal protective equipment under this section shall be conducted by the National Personal Protective Technology Laboratory of the National Institute for Occupational Safety and Health.

"SEC. 514. NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.

''(a) NATIONAL SEARCH AND RESCUE RESPONSE SYSTEM.—There is established in the Authority an emergency response system known as the National Search and Rescue Response System that provides a national network of standardized search and rescue resources to assist State and local governments in responding to any natural or man-made disaster.

''(b) ADMINISTRATION OF THE SYSTEM.—

''(1) TASK FORCE PARTICIPATION.—The Administrator shall select eligible search and rescue teams that are sponsored by State and local government entities to participate as task forces in the National Search and Rescue Response System. The Administrator shall determine the criteria for such participation.

''(2) AGREEMENTS WITH SPONSORING AGENCIES.—The Administrator shall enter into an agreement with the State or local government entity that sponsors each search and rescue team selected under paragraph (1) with respect the team's participation as a task force in the National Search and Rescue Response System.

''(3) MANAGEMENT AND TECHNICAL TEAMS.—The Administrator shall maintain such management and other technical teams as are necessary to administer the National Search and Rescue Response System.

"SEC. 515. METROPOLITAN MEDICAL RESPONSE SYSTEM.

''(a) IN GENERAL.—There is in the Authority a Metropolitan Medical Response System. Under the Metropolitan Medical Response System, the Assistant Secretary for Grants and Planning, in coordination with the Chief Medical Officer, shall administer grants to develop, maintain, and enhance medical preparedness systems that are capable of responding effectively to a public health crisis or mass-casualty event caused by a natural or man-made disaster.

''(b) USE OF FUNDS.—The Metropolitan Medical Response System shall make grants to local governments to enhance any of the following activities:

''(1) Medical surge capacity.

''(2) Mass prophylaxis.

''(3) Chemical, biological, radiological, nuclear, and explosive detection, response, and decontamination capabilities.

''(4) Emergency communications capabilities.

''(5) Information sharing and collaboration capabilities.

''(6) Regional collaboration.

''(7) Triage and pre-hospital treatment.

''(8) Medical supply management and distribution.

''(9) Fatality management.

''(10) Such other activities as the Secretary may provide.

"SEC. 516. EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

''(a) IN GENERAL.—The Secretary, acting through the Administrator, may make grants for the purposes of administering and improving the Emergency Management Assistance Compact consented to by the Joint Resolution entitled 'Joint Resolution granting the consent of Congress to the Emergency Management Assistance Compact' (Public Law 104–321; 110 Stat. 3877).

''(b) USES.—A grant under this section shall be used to—

''(1) carry out recommendations identified in after-action reports for the 2004 and 2005 hurricane season issued under the Emergency Management Assistance Compact;

''(2) coordinate with the Department and other Federal Government agencies;

''(3) coordinate with State and local government entities and their respective national associations;

''(4) assist State and local governments with credentialing emergency response providers and the typing of emergency response resources; or

''(5) administer the operations of the Emergency Management Assistance Compact.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Secretary to carry out this section $4,000,000 for each of fiscal years 2007 through 2010. Amounts appropriated under this section shall remain available for 3 fiscal years after the date on which such funds are appropriated.

"SEC. 517. OFFICE FOR THE PREVENTION OF TERRORISM.

''(a) ESTABLISHMENT.—There is established in the Department an Office for the Prevention of Terrorism, which shall be headed by a Director.

''(b) DIRECTOR.—

''(1) REPORTING.—The Director of the Office for the Prevention of Terrorism shall report directly to the Secretary.

''(2) QUALIFICATIONS.—The Director of the Office for the Prevention of Terrorism shall have an appropriate background with experience in law enforcement, intelligence, or other anti-terrorist functions.

''(c) ASSIGNMENT OF PERSONNEL.—

''(1) IN GENERAL.—The Secretary shall assign to the Office for the Prevention of Terrorism permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this section.

''(2) LIAISONS.—The Secretary shall designate senior employees from each component of the Department that has significant antiterrorism responsibilities to act a liaison between that component and the Office for the Prevention of Terrorism.

''(d) RESPONSIBILITIES.—The Director of the Office for the Prevention of Terrorism shall—

''(1) coordinate policy and operations between the Department and State and local government agencies relating to preventing acts of terrorism within the United States;

''(2) serve as a liaison between State and local law enforcement agencies and the Department;

''(3) in coordination with the Office of Intelligence, develop better methods for the sharing of intelligence with State and local law enforcement agencies;

''(4) work with the Assistant Secretary of the Office of Grants and Training to ensure that homeland security grants to State and local agencies, including the Law Enforcement Terrorism Prevention Program, Commercial Equipment Direct Assistance Program, grants for fusion centers, and other law enforcement programs are adequately focused on terrorism prevention activities; and

''(5) coordinate with the Authority, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to develop national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

''(e) PILOT PROJECT.—

''(1) IN GENERAL.—The Director of the Office for the Prevention of Terrorism, in coordination with the Director for Response, shall establish a pilot project to determine the efficacy and feasibility of establishing law enforcement deployment teams.

''(2) FUNCTION.—The law enforcement deployment teams participating in the pilot program under this subsection shall form the basis of a national network of standardized law enforcement resources to assist State and local governments in responding to a natural or man-made disaster.

''(f) CONSTRUCTION.—Nothing in this section may be construed to affect the roles or responsibilities of the Department of Justice.

"SEC. 518. DEPARTMENT OFFICIALS.

''(a) CYBERSECURITY AND TELECOMMUNICATIONS.—There is in the Department an Assistant Secretary for Cybersecurity and Telecommunications.

''(b) UNITED STATES FIRE ADMINISTRATION.—The Administrator of the United States Fire Administration shall have a rank equivalent to an assistant secretary of the Department.

"SEC. 519. CREDENTIALING.

''(a) DEFINITIONS.—In this section—

''(1) the term 'credential' means to provide documentation that can authenticate and verify the qualifications and identity of managers of incidents, emergency response providers, and other appropriate personnel including by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for their position;

''(2) the term 'credentialing' means evaluating an individual's qualifications for a specific position under guidelines created in this section and assigning such individual a qualification under the standards developed in this section; and

''(3) the term 'credentialed' means an individual has been evaluated for a specific position under the guidelines created under this section.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding to collaborate with the Emergency Management Assistance Compact and other organizations to establish, in consultation with the Authority, nationwide standards for credentialing all personnel who are likely to respond to an emergency or major disaster.

''(2) CONTENTS.—The standards developed under paragraph (1) shall—

''(A) include the minimum professional qualifications, certifications, training, and education requirements for specific emergency response functional positions that are applicable to Federal, State and local government;

''(B) be compatible with the National Incident Management System; and

''(C) be consistent with standards for advance registration for health professions volunteers under section 319I of the Public Health Services Act (42 U.S.C. 247d-7b).

''(3) TIMEFRAME.—The standards developed under paragraph (1) shall be completed not later than 6 months after the date of enactment of the United States Emergency Management Authority Act of 2006.

''(c) CREDENTIALING OF DEPARTMENT PERSONNEL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Administrator shall ensure that all personnel of the Department (including temporary personnel) who are likely to respond to an emergency or major disaster are credentialed.

''(d) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

''(1) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority shall provide the standards developed under subsection (b) to all Federal agencies that have responsibilities under the National Response Plan.

''(2) CREDENTIALING OF AGENCIES.—Not later than 180 days after the date on which the standards are provided under paragraph (1), each agency described in paragraph (1) shall—

''(A) ensure that all employees or volunteers of that agency who are likely to respond to an emergency or major disaster are credentialed; and

''(B) submit to the Secretary the name of each credentialed employee or volunteer of such agency.

''(3) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in paragraph (1) to facilitate the credentialing process of that agency.

''(e) DOCUMENTATION AND DATABASE SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Authority shall establish and maintain a documentation and database system of Federal emergency response providers and all other Federal personnel credentialed to respond to an emergency or major disaster.

''(2) ACCESSIBILITY.—The documentation and database system established under paragraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to an emergency or major disaster.

''(3) CONSIDERATIONS.—The Administrator shall consider whether the credentialing system can be used to regulate access to areas affected by a major disaster.

''(f) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall—

''(1) in collaboration with the Emergency Management Assistance Compact provide detailed written guidance, assistance, and expertise to State and local governments to facilitate the credentialing of State and local emergency response providers and typing of assets commonly or likely to be used in responding to an emergency or major disaster; and

''(2) in coordination with the Emergency Management Assistance Compact and appropriate national professional organizations, assist State and local governments with credentialing the personnel and typing the resources of the State or local government under the guidance provided under paragraph (1).

''(g) REPORT.—Not later than 6 months after the date of enactment of this Act and annually thereafter, the Director of the Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this section, including the number and level of qualification of Federal personnel trained and ready to respond to an emergency or major disaster.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"SEC. 520. TYPING OF RESOURCES AND ASSETS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'typed' means an asset or resource has been evaluated for a specific function under the guidelines created under this section; and

''(2) the term 'typing' means to define in detail the minimum capabilities of an asset or resource.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding to collaborate with the Emergency Management Assistance Compact and other organizations to establish, in consultation with the Authority, nationwide standards for typing of resources and assets commonly or likely to be used in responding to an emergency or major disaster.

''(2) CONTENTS.—The standards developed under paragraph (1) shall—

''(A) be applicable to Federal, State and local government; and

''(B) be compatible with the National Incident Management System.

''(c) TYPING OF DEPARTMENT RESOURCES.—Not later than 1 year after the date of enactment of this Act, the Secretary shall ensure that all resources and assets of the Department that are likely to be used to respond to an emergency or major disaster are typed.

''(d) INTEGRATION WITH NATIONAL RESPONSE PLAN.—

''(1) DISTRIBUTION OF STANDARDS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority shall provide the standards developed under subsection (b) to all Federal agencies that have responsibilities under the National Response Plan.

''(2) TYPING OF AGENCIES, ASSETS, AND RESOURCES.—Not later than 180 days after the date on which the standards are provided under paragraph (1), each agency described in paragraph (1) shall—

''(A) ensure that all resources and assets (including teams, equipment, and other assets) of that agency that are likely to be used to respond to an emergency or major disaster are typed; and

''(B) submit to the Secretary a list of all typed resources and assets

''(3) LEADERSHIP.—The Administrator shall provide leadership, guidance, and technical assistance to an agency described in paragraph (1) to facilitate the typing process of that agency.

''(e) DOCUMENTATION AND DATABASE SYSTEM.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish and maintain a documentation and database system of Federal resources and assets likely to be used to respond to an emergency or major disaster.

''(2) ACCESSIBILITY.—The documentation and database system established under paragraph (1) shall be accessible to the Federal coordinating officer and other appropriate officials preparing for or responding to an emergency or major disaster.

''(f) GUIDANCE TO STATE AND LOCAL GOVERNMENTS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Authority, in collaboration with the Emergency Management Assistance Compact, shall—

''(1) provide detailed written guidance, assistance, and expertise to State and local governments to facilitate the typing of the resources and assets of State and local governments likely to be used in responding to an emergency or major disaster; and

''(2) assist State and local governments with typing the resources and assets of the State or local governments under the guidance provided under paragraph (1).

''(g) GRANTS.—The Secretary may make grants to the party states of the Emergency Management Assistance Compact to develop and maintain a database of typed resources and assets of State and local governments.

''(h) REPORT.—Not later than 6 months after the date of enactment of this Act and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the implementation of this section, including the number and type of Federal resources and assets ready to respond to an emergency or major disaster.''.

SEC. 603. CONFORMING AMENDMENTS.

(a) EXECUTIVE SCHEDULE.—

(1) ADMINISTRATOR.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Administrator of the United States Emergency Management Authority.''.

(2) DIRECTORS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Directors, United States Emergency Management Authority.''.

(3) FEMA OFFICERS.—

(A) FEDERAL INSURANCE ADMINISTRATOR.—Section 5315 of title 5, United States Code, is amended by striking ''Federal Insurance Administrator, Federal Emergency Management Agency.'' and inserting ''Federal Insurance Administrator, United States Emergency Management Agency.''.

(B) INSPECTOR GENERAL.—Section 5315 of title 5, United States Code, is amended by striking ''Inspector General, Federal Emergency Management Agency.'' and inserting ''Inspector General, United States Emergency Management Agency.''.

(C) CHIEF INFORMATION OFFICER.—Section 5315 of title 5, United States Code, is amended by striking ''Chief Information Officer, Federal Emergency Management Agency.'' and inserting ''Chief Information Officer, United States Emergency Management Agency.''.

(b) OFFICERS OF THE DEPARTMENT.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) An Administrator of the United States Emergency Management Authority.'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) through (10) (as amended by this subsection) as paragraphs (2) through (9), respectively.

(c) REFERENCES.—Any reference to the Federal Emergency Management Agency, or the Director thereof, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this title shall be considered to refer and apply to the United States Emergency Management Authority and the Administrator thereof, respectively.

(d) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the items relating to title V and sections 501 through 509 and inserting the following:

''TITLE V—NATIONAL PREPAREDNESS AND RESPONSE

''Sec. 501. Definitions.
''Sec. 502. United States Emergency Management Authority.
''Sec. 503. Authorities and responsibilities.
''Sec. 504. Authority components.
''Sec. 505. Preserving the United States Emergency Management Authority.
''Sec. 506. Directors.
''Sec. 507. Regional Offices.
''Sec. 508. National Advisory Council on Emergency Preparedness and Response.
''Sec. 509. National Incident Management System Integration Center.
''Sec. 510. National Operations Center.
''Sec. 511. Chief Medical Officer.
''Sec. 512. Public and community preparedness.
''Sec. 513. SAVER Program.
''Sec. 514. National Search and Rescue Response System.
''Sec. 515. Metropolitan Medical Response System.
''Sec. 516. Emergency Management Assistance Compact.
''Sec. 517. Office for the Prevention of Terrorism.
''Sec. 518. Department officials.
''Sec. 519. Credentialing.
''Sec. 520. Typing of resources and assets.
''Sec. 521. Nuclear incident response.
''Sec. 522. Conduct of certain public health-related activities.
''Sec. 523. Use of national private sector networks in emergency response.
''Sec. 524. Use of commercially available technology, goods, and services.
''Sec. 525. Procurement of security countermeasures for strategic national stockpile.
''Sec. 526. Urban and other high risk area communications capabilities.''.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title and the amendments made by this title.

SEC. 605. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on January 1, 2007.

SA 4561. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Any reports required in this Act and accompanying reports to be submitted to the Committees on Appropriations and the Department of Homeland Security's annual justifications of the President's budget request shall be posted on the Department of Homeland Security's public website not later than 48 hours after such submission unless information in the report compromises national security.

SA 4562. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 5441 shall also be included in the conference report or joint statement accompanying H.R. 5441 in order to be considered as having been approved by both Houses of Congress.

SA 4563. Mrs. CLINTON (for herself, Mr. AKAKA, Mr. LEAHY, Mr. JEFFORDS, Mr. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE VI—FEDERAL EMERGENCY MANAGEMENT AGENCY

Subtitle A—Establishment

SEC. 601. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.

(a) ESTABLISHMENT.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall have significant experience, knowledge,

training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Director of the Federal Emergency Management Agency.''.

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—The Deputy Director of the Federal Emergency Management Agency shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Director of the Federal Emergency Management Agency.''.

SEC. 602. FUNCTIONS.

(a) IN GENERAL.—The functions of the Federal Emergency Management Agency include the following:

(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program of—

(A) mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

(B) planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

(D) recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

(E) increased efficiencies, by coordinating efforts relating to mitigation, planning, response, and recovery.

(b) NATIONAL RESPONSE PLAN.—

(1) ROLE OF FEMA.—Notwithstanding any provision of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Federal Emergency Management Agency shall remain the lead agency for the National Response Plan established under Executive Order No. 12148 (44 Fed. Reg. 43239) and Executive Order No. 12656 (53 Fed. Reg. 47491).

(2) REVISION OF RESPONSE PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the National Response Plan to reflect the establishment of the Federal Emergency Management Agency as an independent establishment under this Act.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 507 of the Homeland Security Act of 2002 (6 U.S.C. 317) is repealed.

(2) OTHER PROVISIONS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 430(c)—

(i) in paragraph (7), by adding ''and'' at the end;

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8); and

(B) in section 503—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(3) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 507.

SEC. 603. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to detract from the Department of Homeland Security's primary mission to secure the homeland from terrorist attacks.

Subtitle B—Transfer and Savings Provisions

SEC. 611. DEFINITIONS.

In this subtitle, unless otherwise provided or indicated by the context—

(1) the term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code;

(2) the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

SEC. 612. TRANSFER OF FUNCTIONS.

There are transferred to the Federal Emergency Management Agency established under section 601 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title.

SEC. 613. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 614. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

SEC. 615. REORGANIZATION.

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 612 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

SEC. 616. RULES.

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

SEC. 617. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 618. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 619. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated

in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 620. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

SEC. 621. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 622. TRANSITION.

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 623. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

SEC. 624. ADDITIONAL CONFORMING AMENDMENTS.

(a) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this title.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

SA 4564. Mrs. CLINTON (for herself, Mr. AKAKA, Mr. LEAHY, Mr. JEFFORDS, Mrs. BOXER, Mr. LAUTENBERG, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—FEDERAL EMERGENCY MANAGEMENT AGENCY

Subtitle A—Establishment

SEC. 601. ESTABLISHMENT OF AGENCY AND DIRECTOR AND DEPUTY DIRECTOR.

(a) ESTABLISHMENT.—The Federal Emergency Management Agency is established as an independent establishment in the executive branch as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall be the head of the Federal Emergency Management Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report directly to the President.

(2) QUALIFICATIONS.—The Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Director of the Federal Emergency Management Agency.''.

(c) DEPUTY DIRECTOR.—

(1) IN GENERAL.—The Deputy Director of the Federal Emergency Management Agency shall assist the Director of the Federal Emergency Management Agency. The Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Deputy Director of the Federal Emergency Management Agency shall have significant experience, knowledge, training, and expertise in the area of emergency preparedness, response, recovery, and mitigation as related to natural disasters and other national cataclysmic events.

(3) EXECUTIVE SCHEDULE POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Director of the Federal Emergency Management Agency.''.

SEC. 602. FUNCTIONS.

(a) IN GENERAL.—The functions of the Federal Emergency Management Agency include the following:

(1) All functions and authorities prescribed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) Carrying out its mission to reduce the loss of life and property and protect the Nation from all hazards by leading and supporting the Nation in a comprehensive, risk-based emergency management program—

(A) of mitigation, by taking sustained actions to reduce or eliminate long-term risk to people and property from hazards and their effects;

(B) of planning for building the emergency management profession to prepare effectively for, mitigate against, respond to, and recover from any hazard;

(C) of response, by conducting emergency operations to save lives and property through positioning emergency equipment and supplies, through evacuating potential victims, through providing food, water, shelter, and medical care to those in need, and through restoring critical public services;

(D) of recovery, by rebuilding communities so individuals, businesses, and governments can function on their own, return to normal life, and protect against future hazards; and

(E) of increased efficiencies, by coordinating efforts relating to mitigation, planning, response, and recovery.

(b) NATIONAL RESPONSE PLAN.—

(1) ROLE OF FEMA.—Notwithstanding any provision of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), the Federal Emergency Management Agency shall remain the lead agency for the National Response Plan established under Executive Order No. 12148 (44 Fed. Reg. 43239) and Executive Order No. 12656 (53 Fed. Reg. 47491).

(2) REVISION OF RESPONSE PLAN.—Not later than 60 days after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the National Response Plan to reflect the establishment of the Federal Emergency Management Agency as an independent establishment under this Act.

(c) TECHNICAL AND CONFORMING AMENDMENT.—

(1) REPEAL.—Section 507 of the Homeland Security Act of 2002 (6 U.S.C. 317) is repealed.

(2) TABLE OF CONTENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by striking the item relating to section 507.

SEC. 603. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to detract from the Department of Homeland Security's primary mission to secure the homeland from terrorist attacks.

Subtitle B—Transfer and Savings Provisions

SEC. 611. DEFINITIONS.

In this subtitle, unless otherwise provided or indicated by the context—

(1) the term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code;

(2) the term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

SEC. 612. TRANSFER OF FUNCTIONS.

There are transferred to the Federal Emergency Management Agency established under section 601 of this Act all functions which the Director of the Federal Emergency Management Agency of the Department of Homeland Security exercised before the date of the enactment of this title.

SEC. 613. PERSONNEL PROVISIONS.

(a) APPOINTMENTS.—The Director of the Federal Emergency Management Agency may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Director of the Federal Emergency Management Agency may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title. The Director of the Federal Emergency Management Agency may pay experts and consultants who are serving away from their homes or regular place of business, travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 614. DELEGATION AND ASSIGNMENT.

Except where otherwise expressly prohibited by law or otherwise provided by this title, the Director of the Federal Emergency Management Agency may delegate any of the functions transferred to the Director of the Federal Emergency Management Agency by this title and any function transferred or granted to such Director after the effective date of this title to such officers and employees of the Federal Emergency Management Agency as the Director may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Director of the Federal Emergency Management Agency under this section or under any other provision of this title shall relieve such Director of responsibility for the administration of such functions.

SEC. 615. REORGANIZATION.

The Director of the Federal Emergency Management Agency is authorized to allocate or reallocate any function transferred under section 612 among the officers of the Federal Emergency Management Agency, and to establish, consolidate, alter, or discontinue such organizational entities in the Federal Emergency Management Agency as may be necessary or appropriate.

SEC. 616. RULES.

The Director of the Federal Emergency Management Agency is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director determines necessary or appropriate to administer and manage the functions of the Federal Emergency Management Agency.

SEC. 617. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this title, subject to section 1531 of title 31, United States Code, shall be transferred to the Federal Emergency Management Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 618. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this title, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this title. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this title and for such further measures and dispositions as may be necessary to effectuate the purposes of this title.

SEC. 619. EFFECT ON PERSONNEL.

(a) IN GENERAL.—Except as otherwise provided by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this title.

(b) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this title, any person who, on the day preceding the effective date of this title, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Federal Emergency Management Agency to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

SEC. 620. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Federal Emergency Management Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Federal Emergency Management Agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Federal Emergency Management Agency, or by or against any individual in the official capacity of such individual as an officer of the Federal Emergency Management Agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Federal Emergency Management Agency relating to a function transferred under this title may be continued by the Federal Emergency Management Agency with the same effect as if this title had not been enacted.

SEC. 621. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 622. TRANSITION.

The Director of the Federal Emergency Management Agency is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Federal Emergency Management Agency with respect to functions transferred by this title; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this title.

SEC. 623. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this title—

(1) to the head of such department, agency, or office is deemed to refer to the head of the department, agency, or office to which such function is transferred; or

(2) to such department, agency, or office is deemed to refer to the department, agency, or office to which such function is transferred.

SEC. 624. ADDITIONAL CONFORMING AMENDMENTS.

(a) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Director of the Federal Emergency Management Agency shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this title.

(b) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this title, the Director of the Federal Emergency Management Agency shall submit the recommended legislation referred to under subsection (a).

SA 4565. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, line 20, after ''2007:'' insert the following: ''Provided further, That not less than $2,000,000 of unobligated balances under this heading shall be available for the construction of radiological laboratories at Pacific Northwest National Laboratory:''.

SA 4566. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 5, strike ''$166,456,000'' and insert ''$163,000,000''.

On page 83, line 9, after ''facilities;'' insert the following: ''of which $3,456,000 shall be available until September 30, 2009, to acquire 33-foot Special Purpose Craft—Law Enforcement ('SPC–LE') vessels;''.

SA 4567. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 9, after ''facilities;'' insert the following: ''of which $3,631,000 shall be available until September 30, 2009, to acquire 33-foot Special Purpose Craft—Law Enforcement ('SPC–LE') vessels;''.

On page 83, line 9, strike ''$993,631,000'' and insert ''$990,000,000''.

SA 4568. Mr. DEMINT (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —NATIONAL ALERT SYSTEM

SEC. __100. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. __100. Table of contents.
Sec. __101. Short title.
Sec. __102. National Alert System.
Sec. __103. Implementation and use.
Sec. __104. National Alert Office
Sec. __105. National Alert System Working Group.
Sec. __106. Research and development.
Sec. __107. Grant program for remote community alert systems.
Sec. __108. Public familiarization, outreach, and response instructions.
Sec. __109. Essential services disaster assistance.
Sec. __110. Definitions.
Sec. __111. Existing interagency activities.
Sec. __112. Funding.

SEC. __101. SHORT TITLE.

This title may be cited as the ''Warning, Alert, and Response Network Act''

SEC. __102. NATIONAL ALERT SYSTEM.

(a) ESTABLISHMENT.—There is established a National Alert System to provide a public communications system capable of alerting the public on a national, regional, or local basis to emergency situations requiring a public response.

(b) FUNCTIONS.—The National Alert System—

(1) will enable any Federal, State, tribal, or local government official with credentials issued by the National Alert Office under section 103 to alert the public to any imminent threat that presents a significant risk of injury or death to the public;

(2) will be coordinated with and supplement existing Federal, State, tribal, and local emergency warning and alert systems;

(3) will be flexible enough in its application to permit narrowly targeted alerts in circumstances in which only a small geographic area is exposed or potentially exposed to the threat; and

(4) will transmit alerts across the greatest possible variety of communications technologies, including digital and analog broadcasts, cable and satellite television, satellite and terrestrial radio, wireless communications, wireline communications, and the Internet to reach the largest portion of the affected population.

(c) CAPABILITIES.—The National Alert System—

(1) shall incorporate multiple communications technologies and be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(2) shall include mechanisms and technologies to ensure that members of the public with disabilities and older individuals (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35))) are able to receive alerts and information provided through the National Alert System;

(3) may not interfere with existing alert, warning, priority access, or emergency communications systems employed by Federal, State, tribal, or local emergency response personnel and shall incorporate existing emergency alert technologies, including the NOAA All-Hazards Radio System, digital and analog broadcast, cable, land satellite television and satellite and terrestrial radio;

(4) shall not be based upon any single technology or platform, but shall be designed to provide alerts to the largest portion of the affected population feasible and improve the ability of remote areas to receive alerts;

(5) shall incorporate technologies to alert effectively underserved communities (as determined by the Commission under section __107(a) of this title);

(6) when technologically feasible shall be capable of providing information in languages other than, and in addition to, English where necessary or appropriate; and

(7) shall be designed to promote local and regional public and private partnerships to enhance community preparedness and response.

(d) RECEPTION OF ALERTS.—The National Alert System shall—

(1) utilize multiple technologies for providing alerts to the public, including technologies that do not require members of the public to activate a particular device or use a particular technology to receive an alert provided via the National Alert System; and

(2) provide redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or utilize, any specific medium of communication or any particular device.

(e) EXISTING FEDERAL WARNING SYSTEM COORDINATION.—The director shall work with the Federal Communications Commission and other relevant Federal agencies to ensure that the National Alert System—

(1) complements or incorporates, rather than duplicates, existing Federal alert systems; and

(2) obtains the maximum benefit possible from the utilization of existing research and development, technologies, and processes developed for or utilized by existing Federal alert systems.

(f) EMERGENCY ALERT SYSTEM.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall—

(1) complete its proceeding Review of the Emergency Alert System, EB Docket No. 04–296;

(2) ensure the President, Secretary of Homeland Security, and State Governors have access to the emergency alert system; and

(3) ensure that the Emergency Alert System can transmit in languages other than English.

SEC. __103. IMPLEMENTATION AND USE.

(a) AUTHORITY TO ACCESS SYSTEM.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the National Alert Office shall establish a process for issuing credentials to Federal, State, tribal, or local government officials with responsibility for issuing safety warnings to the public that will enable them to access the National Alert System. The Office shall approve or disapprove a request for credentials within 60 days of request by the Federal department or agency, the governor of the State or the elected leader of a federally recognized Indian tribe.

(2) REQUESTS FOR CREDENTIALS.—Requests for credentials from Federal, State, tribal, and local government agencies shall be submitted to the Office by the head of the Federal department or agency, or the governor of the State or the elected leader of a Federally recognized Indian tribe, concerned, for review and approval.

(3) SCOPE AND LIMITATIONS OF CREDENTIALS.—The Office shall—

(A) establish eligibility criteria for issuing, renewing, and revoking access credentials;

(B) limit credentials to appropriate geographic areas or political jurisdictions; and

(C) ensure that the credentials permit use of the National Alert System only for alerts that are consistent with the jurisdiction, authority, and basis for eligibility of the individual to whom the credentials are issued to use the National Alert System.

(4) PERIODIC TRAINING.—The Office shall—

(A) establish a periodic training program for Federal, State, tribal, or local government officials with credentials to use the National Alert System; and

(B) require such officials to undergo periodic training under the program as a prerequisite for retaining their credentials to use the system.

(b) ALLOWABLE ALERTS.—

(1) IN GENERAL.—Any alert transmitted via the National Alert System, other than an

alert described in paragraph (3), shall meet 1 or more of the following requirements:

(A) An alert shall notify the public of a hazardous situation that poses an imminent threat to the public health or safety.

(B) An alert shall provide appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation.

(C) An alert shall advise individuals of public addresses by Federal, State, tribal, or local officials when related to a significant threat to public safety and transmit such addresses when practicable and technically feasible.

(D) An alert shall notify the public of when the hazardous situation has ended or has been brought under control.

(2) EVENT ELIGIBILITY REGULATIONS.—The director of the National Alert Office, in consultation with the Working Group, shall by regulation specify—

(A) the classes of events or situations for which the National Alert System may be used to alert the public; and

(B) the content of the types of alerts that may be transmitted by or through use of the National Alert System, which may include—

(i) notifications to the public of a hazardous situation that poses an imminent threat to the public health or safety accompanied by appropriate instructions for actions to be taken by individuals affected or potentially affected by such a situation; and

(ii) when technologically feasible public addresses by Federal, State, tribal, or local officials related to a significant threat to public safety.

(3) OPT-IN PROCEDURES FOR OPTIONAL ALERTS.—The director of the Office may establish a procedure under which licensees who elect to participate in the National Alert System as described in paragraph (d), may transmit localized traffic, weather, community, or other non-emergency alerts via the National Alert System in a manner that enables them to be received only by individuals who take appropriate action to receive such alerts.

(c) ACCESS POINTS.—The National Alert System shall provide—

(1) secure, widely dispersed multiple access points to Federal, State, or local government officials with credentials that will enable them to initiate alerts for transmission to the public via the National Alert System; and

(2) system redundancies to ensure functionality in the event of partial system failures, power failures, or other interruptive events.

(d) ELECTION TO CARRY SERVICE.—

(1) AMENDMENT OF LICENSE.—Within 60 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding and subsequently issue an order—

(A) to allow any licensee providing commercial mobile service (as defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1))) to transmit National Alert System alerts to all subscribers to, or users of, such service; and

(B) to require any such licensee who elects under paragraph (2) not to participate in the transmission of National Alert System alerts, to provide clear and conspicuous notice at the point of sale of any devices with which its service is included, that it will not transmit National Alert System alerts via its service.

(2) ELECTION TO CARRY SERVICE.—

(A) IN GENERAL.—Within 30 days after the Commission issues its order under paragraph (1), each such licensee shall file an election with the Commission with respect to whether or not it intends to participate in the transmission of National Alert System alerts.

(B) PARTICIPATION.—If a licensee elects to participate in the transmission of National Alert System alerts, the licensee shall certify to the Commission that it will participate in a manner consistent with the standards and protocols implemented by the National Alert Office.

(C) ADVERTISING.—Nothing in this title shall be construed to prevent a licensee from advertising that it participates in the transmission of National Alert System alerts.

(D) WITHDRAWAL FROM OR LATER ENTRY INTO SYSTEM.—The Commission shall establish a procedure—

(i) for a participating licensee to withdraw from the National Alert System upon notification of its withdrawal to its existing subscribers;

(ii) for a licensee to enter the National Alert System at a date later than provided in subparagraph (A); and

(iii) under which a subscriber may terminate a subscription to service provided by a licensee that withdraws from the National Alert System without penalty or early termination fee.

(E) CONSUMER CHOICE TECHNOLOGY.—Any licensee electing to participate in the transmission of National Alert System alerts may offer subscribers the capability of preventing the subscriber's device from receiving alerts broadcast by the system other than an alert issued by the President.

(3) EXPANSION OF CLASS OF LICENSEES PARTICIPATING.—The Commission, in consultation with the National Alert Office, may expand the class of the licensees allowed to participate in the transmission of National Alert System alerts subject to such requirements as the Commission, in consultation with the National Alert Office, determines to be necessary or appropriate—

(A) to ensure the broadest feasible propagation of alerts transmitted by the National Alert System to the public; and

(B) to ensure that the functionality, integrity, and security of the National Alert System is not compromised.

(e) DIGITAL TELEVISION TRANSMISSION TOWERS.—

(1) RETRANSMISSION CAPABILITY.—Within 30 days after the date on which the National Alert Office adopts relevant technical standards based on recommendations of the Working Group, the Federal Communications Commission shall initiate a proceeding to require public broadcast television licensees and permittee to install necessary equipment and technologies on, or as part of, any broadcast television digital signal transmitter to enable the transmitter to serve as a backbone for the reception, relay, and retransmission of National Alert System alerts.

(2) COMPENSATION.—The National Alert Office established by section—104 shall compensate any such licensee or permittee for costs incurred in complying with the requirements imposed pursuant to paragraph (1).

(f) FCC REGULATION OF COMPLIANCE.—Except as provided in subsections (d) and (e), the Federal Communications Commission shall have no regulatory authority under this Act except to regulate compliance with this Act by licensees and permittees regulated by the Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(g) LIMITATION OF LIABILITY.—Any person that participates in the transmission of National Alert System alerts and that meets its obligations under this title shall not be liable to any subscriber to, or user of, such person's service or equipment for—

(1) any act or omission related to or any harm resulting from the transmission of, or failure to transmit, a National Alert System alert to such subscriber or user;

(2) for the release to a government agency or entity, public safety, fire service, law enforcement official, or emergency facility of subscriber information used in connection with delivering an alert; or

(3) the licensee's or provider's withdrawal from or election not to participate in the National Alert System.

(h) TESTING.—The director shall establish testing criteria and guidelines for licensees that elect to participate in the transmission of National Alert System alerts.

SEC. _104. NATIONAL ALERT OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The National Alert Office is established within the Department of Homeland Security.

(2) DIRECTOR.—The office shall be headed by a director with at least 5 years' operational experience in the management and issuance of warnings and alerts, hazardous event management, or disaster planning. The Director shall serve under and report to the Secretary of Homeland Security or his designee.

(3) STAFF.—The office shall have a staff with significant technical expertise in the communications industry and emergency public communications. The director may request the detailing with or without reimbursement, of staff from any appropriate Federal department or agency in order to ensure that the concerns of all such departments and agencies are incorporated into the daily operation of the National Alert System.

(b) FUNCTIONS AND RESPONSIBILITIES.—

(1) IN GENERAL.—The Office shall administer, operate, and manage the National Alert System.

(2) IMPLEMENTATION OF WORKING GROUP RECOMMENDATIONS.—The Office shall be responsible for implementing the recommendations of the Working Group established by section—105 regarding—

(A) the technical transmission of alerts;

(B) the incorporation of new technologies into the National Alert System;

(C) the technical capabilities of the National Alert System; and

(D) any other matters that fall within the duties of the Working Group.

(3) TRANSMISSION OF ALERTS.—In administering the National Alert System, the director of the National Alert Office shall ensure that—

(A) the National Alert System is available to, and enables, only Federal, State, tribal, or local government officials with credentials issued by the National Alert Office under section—103 to access and utilize the National Alert System;

(B) the National Alert System is capable of providing geographically targeted alerts where such alerts are appropriate;

(C) the legitimacy and authenticity of any proffered alert is verified before it is transmitted;

(D) each proffered alert complies with formats, protocols, and other requirements established by the Office to ensure the efficacy and usefulness of alerts transmitted via the National Alert System;

(E) the security and integrity of the National Alert System alert from the point of origination to delivery is maintained; and

(F) the security and integrity of the National Alert System is maintained and protected.

(c) REPORTS.—

(1) ANNUAL REPORTS.—The director shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the

House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure on the status of, and plans for, the National Alert System. In the first annual report, the director shall report on—

(A) the progress made toward operational activation of the alerting capabilities of the National Alert System; and

(B) the anticipated date on which the National Alert System will be available for utilization by Federal, State, and local officials.

(2) 5-YEAR PLAN.—Within 1 year after the date of enactment of this Act and every 5 years thereafter, the director shall publish a 5-year plan that outlines future capabilities and communications platforms for the National Alert System. The plan shall serve as the long-term planning document for the Office.

(d) GAO AUDITS.—

(1) IN GENERAL.—The Comptroller General shall audit the National Alert Office every 3 years after the date of enactment of this Act and periodically thereafter and transmit the findings thereof to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, the House of Representatives Committee on Transportation and Infrastructure.

(2) RESPONSE REPORT.—If, as a result of the audit, the Comptroller General expresses concern about any matter addressed by the audit, the director of the National Alert Office shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Energy and Commerce, the House of Representatives Committee on Science, and the House of Representatives Committee on Transportation and Infrastructure describing what action, if any, the director is taking to respond to any such concern.

SEC. _105. NATIONAL ALERT SYSTEM WORKING GROUP.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the director of the National Alert Office shall establish a working group, to be known as the National Alert System Working Group.

(b) MEMBERSHIP.—

(1) APPOINTMENT; CHAIR.—The director shall appoint the members of the Working Group as soon as practicable after the date of enactment of this Act and shall serve as its chair. In appointing members of the Working Group, the director shall ensure that the number of members appointed under paragraph (5) provides appropriate and adequate representation for all stakeholders and interested and affected parties.

(2) FEDERAL AGENCY REPRESENTATIVES.—Appropriate personnel from the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, the Federal Communications Commission, the Federal Emergency Management Agency, the Nuclear Regulatory Commission, the Department of Justice, the National Communications System, the Department of Homeland Security's Preparedness Directorate, the United States Postal Service, and other appropriate Federal agencies shall serve as members of the Working Group.

(3) STATE AND LOCAL GOVERNMENT REPRESENTATIVES.—The director shall appoint representatives of State and local governments and representatives of emergency services personnel, selected from among individuals nominated by national organizations representing such governments and personnel, to serve as members of the Working Group.

(4) TRIBAL GOVERNMENTS.—The director shall appoint representatives from Federally recognized Indian tribes and National Indian organizations.

(5) SUBJECT MATTER EXPERTS.—The director shall appoint individuals who have the requisite technical knowledge and expertise to serve on the Working Group in the fulfillment of its duties, including representatives of—

(A) communications service providers;

(B) vendors, developers, and manufacturers of systems, facilities; equipment, and capabilities for the provision of communications services;

(C) third-party service bureaus;

(D) technical experts from the broadcasting industry;

(E) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(F) national organizations representing individuals with special needs; and

(G) other individuals with technical expertise that would enhance the National Alert System.

(c) DUTIES OF THE WORKING GROUP.—

(1) DEVELOPMENT OF SYSTEM-CRITICAL RECOMMENDATIONS.—Within 1 year after the date of enactment of this Act, the Working Group shall develop and transmit to the National Alert Office recommendations for—

(A) protocols, including formats, source or originator identification, threat severity, hazard description, and response requirements or recommendations, for alerts to be transmitted via the National Alert System that ensures that alerts are capable of being utilized across the broadest variety of communication technologies, at National, State, and local levels;

(B) procedures for verifying, initiating, modifying, and canceling alerts transmitted via the National Alert System;

(C) guidelines for the technical capabilities of the National Alert System;

(D) guidelines for technical capability that provides for the priority transmission of National Alert System alerts;

(E) guidelines for other capabilities of the National Alert System as specified in this title;

(F) standards for equipment and technologies used by the National Alert System;

(G) guidelines for the transmission of National System Alerts in languages in addition to English, to the extent practicable; and

(H) guidelines for incorporating the National Alert System into comprehensive emergency planning standards for public alert and notification and emergency public communications.

(2) INTEGRATION OF EMERGENCY AND NATIONAL ALERT SYSTEMS.—The Working Group shall work with the operators of nuclear power plants and other critical infrastructure facilities to integrate emergency alert systems for those facilities with the National Alert System.

(d) MEETINGS.—

(1) INITIAL MEETING.—The initial meeting of the Working Group shall take place not later than 60 days after the date of the enactment of this Act.

(2) OTHER MEETINGS.—After the initial meeting, the Working Group shall meet at the call of the chair.

(3) NOTICE; OPEN MEETINGS.—Any meetings held by the Working Group shall be duly noticed at least 14 days in advance and shall be open to the public.

(e) RESOURCES.—

(1) FEDERAL AGENCIES.—The Working Group shall have reasonable access to—

(A) materials, resources, data, and other information from the National Institute of Standards and Technology, the Department of Commerce and its agencies, the Department of Homeland Security and its bureaus, and the Federal Communications Commission; and

(B) the facilities of any such agency for purposes of conducting meetings.

(2) GRANTS AND GRANTS.—The Working Group may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Working Group. Gifts or grants not used at the expiration of the Working Group shall be returned to the donor or grantor.

(f) RULES.—

(1) QUORUM.—One-third of the members of the Working Group shall constitute a quorum for conducting business of the Working Group.

(2) SUBCOMMITTEES.—To assist the Working Group in carrying out its functions, the chair may establish appropriate subcommittees composed of members of the Working Group and other subject matter experts as deemed necessary.

(3) ADDITIONAL RULES.—The Working Group may adopt other rules as needed.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Neither the Federal Advisory Committee Act (5 U.S.C. App.) nor any rule, order, or regulation promulgated under that Act shall apply to the Working Group.

SEC. _106. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Undersecretary of Homeland Security for Science and Technology and the director jointly shall establish an extramural research and development program based on the recommendations of the Working Group to support the development of technology that will enable all existing and future providers of communications services and all existing and future communications devices to be utilized effectively with the National Alert System.

(b) FUNCTIONS.—IN CARRYING OUT SUBSECTION (A) THE UNDERSECRETARY FOR SCIENCE AND TECHNOLOGY AND THE DIRECTOR SHALL—

(1) fund research and development which may include academia, the private sector, and government laboratories; and

(2) ensure that the program addresses, at a minimum—

(A) developing innovative technologies that will transmit geographically targeted emergency messages to the public;

(B) enhancing participation in the national alert system;

(C) understanding and improving public response to warnings; and

(D) enhancing the ability of local communities to integrate the National Alert System operations management.

(c) USE OF EXISTING PROGRAMS AND RESOURCES.—In developing the program, the Undersecretary for Science and Technology shall utilize existing expertise of the Department of Commerce, including the National Institute of Standards and Technology.

SEC. _107. GRANT PROGRAM FOR REMOTE COMMUNITY ALERT SYSTEMS.

(a) GRANT PROGRAM.—The Undersecretary of Commerce for Oceans and Atmosphere shall establish a program under which grants may be made to provide for the installation of technologies in remote communities effectively unserved by commercial mobile radio service (as determined by the Federal Communications Commission within 180 days

after the date of enactment of this Act) for the purpose of enabling residents of those communities to receive National Alert System alerts.

(b) APPLICATIONS AND CONDITIONS.—In conducting the program, the Undersecretary—

(1) shall establish a notification and application procedure; and

(2) may establish such conditions, and require such assurances, as may be appropriate to ensure the efficiency and integrity of the grant program.

(c) SUNSET.—The Undersecretary may not make grants under subsection (a) more than 5 years after the date of enactment of this Act.

SEC. __108. PUBLIC FAMILIARIZATION, OUTREACH, AND RESPONSE INSTRUCTIONS.

The director of the National Office, in consultation with the Working Group, shall conduct a program of public outreach to ensure that the public is aware of the National Alert System and understands its capabilities and uses for emergency preparedness and response. The program shall incorporate multiple communications technologies and methods, including inserts in packaging for wireless devices, Internet websites, and the use broadcast radio and television Non-Commercial Sustaining Announcement Programs.

SEC. __109. ESSENTIAL SERVICES DISASTER ASSISTANCE.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by adding at the end the following:

"SEC. 425. ESSENTIAL SERVICE PROVIDERS.

''(a) DEFINITION.—In this section, the term 'essential service provider' means an entity that—

''(1) provides—

''(A) telecommunications service;

''(B) electrical power;

''(C) natural gas;

''(D) water and sewer services; or

''(E) any other essential service, as determined by the President;

''(2) is—

''(A) a municipal entity;

''(B) a nonprofit entity; or

''(C) a private, for-profit entity; and

''(3) is contributing to efforts to respond to an emergency or major disaster.

''(b) AUTHORIZATION.—In an emergency or major disaster, the President may use Federal equipment, supplies, facilities, personnel, and other non-monetary resources to assist an essential service provider, in exchange for reasonable compensation.

''(c) COMPENSATION.—

''(1) IN GENERAL.—The President shall, by regulation, establish a mechanism to set reasonable compensation to the Federal Government for the provision of assistance under subsection (b).

''(2) CRITERIA.—The mechanism established under paragraph (1)—

''(A) shall reflect the cost to the government (or if this is not readily obtainable, the full market value under the applicable circumstances) for assistance provided under subsection (b) in setting compensation;

''(B) shall have, to the maximum degree feasible, streamlined procedures for determining compensation; and

''(C) may, at the President's discretion, be based on a good faith estimate of cost to the government rather than an actual accounting of costs.

''(3) PERIODIC REVIEW.—The President shall periodically review, and if necessary revise, the regulations established pursuant to paragraphs (1) and (2) to ensure that those regulations result in full compensation to the government for transferred resources. Such reviews shall occur no less frequently than once every 2 years, and the results of such reviews shall be reported to the House Transportation and Infrastructure Committee and the Senate Homeland Security and Governmental Affairs Committee.''.

SEC. __110 DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''director'' means the director of the National Alert Office.

(2) OFFICE.—The term ''Office'' means the National Alert Office established by section—104.

(3) NATIONAL ALERT SYSTEM.—The term ''National Alert System'' means the National Alert System established by section—102.

(4) NON-COMMERCIAL SUSTAINING ANNOUNCEMENT PROGRAM.—The term ''Non-Commercial Sustaining Announcement Program'' means a radio and television campaign conducted for the benefit of a nonprofit organization or government agency using unsold commercial air time donated by participating broadcast stations for use in such campaigns, and for which the campaign's sponsoring organization or agency funds the cost of underwriting programs that serve the public convenience, interest, and necessity, as described in section 307 of the Communications Act of 1934 (47 U.S.C. 307).

(5) WORKING GROUP.—The term ''Working Group'' means the National Alert System Working Group on the established under section—105.

SEC. __111. EXISTING INTERAGENCY ACTIVITIES.

Nothing in this title shall be construed to require the termination of existing interagency programs or activities, or cooperative or consultative arrangements, related to the provision of notice or information to the public about emergency situations that may require a public response.

SEC. __112. FUNDING.

Funding for this title shall be provided from the Digital Transition and Public Safety Fund in accordance with section 3010 of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note).

SA 4569. Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. DATA-MINING.

(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual's personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—Each report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2007.

SA 4570. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 4, strike ''Act.'' and insert the following: '' Act; *Provided further*, That the Department of Homeland Security Inspector General shall investigate whether, and to what extent, in adjusting and settling claims resulting from Hurricane Katrina, insurers making flood insurance coverage available under the Write-Your-Own program pursuant to section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) and subpart C of part 62 of title 44, Code of Federal Regulations, improperly attributed damages from such hurricane to flooding

covered under the insurance coverage provided under the national flood insurance program rather than to windstorms covered under coverage provided by such insurers or by windstorm insurance pools in which such insurers participated; *Provided further*, That the Department of Homeland Security Inspector General may request the assistance of the Attorney General and the Department of Justice in conducting such investigation and may reimburse the costs of the Attorney General and the Department of Justice in providing such assistance from such funds; Provided further, That the Department of Homeland Security Inspector General shall submit a report to Congress not later than April 1, 2007, setting forth the conclusions of such investigation.''

SA 4571. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, strike lines 6 through 15.

SA 4572. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, between lines 2 and 3, insert the following:

SEC. 540. (a) Not later than 60 days after the initiation of any contract relating to the Secure Border Initiative that is valued at more than $20,000,000, and upon the conclusion of the performance of such contract, the Inspector General of the Department of Homeland Security shall review each action relating to such contract to determine whether such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority-owned, and women-owned businesses, and time lines.

(b) If a contract review under subsection (a) uncovers information regarding improper conduct or wrongdoing, the Inspector General shall, as expeditiously as practicable, submit such information to the Secretary of Homeland Security, or to another appropriate official of the Department of Homeland Security, who shall determine if the contractor should be suspended from further participation in the Secure Border Initiative.

(c) Upon the completion of each review under subsection (a), the Inspector General shall submit a report to the Secretary that contains the findings of the review, including findings regarding—

(1) cost overruns;

(2) significant delays in contract execution;

(3) lack of rigorous departmental contract management;

(4) insufficient departmental financial oversight;

(5) contract bundling that limits the ability of small businesses to compete; or

(6) other high risk business practices.

(d) Not later than 30 days after the receipt of each report submitted under subsection (c), the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

(1) the findings of the report received from the Inspector General; and

(2) the steps the Secretary has taken, or plans to take, to address the problems identified in the report.

(e) Not later than 60 days after the initiation of each contract action with a company whose headquarters is outside of the United States, the Secretary shall submit a report regarding the Secure Border Initiative to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SA 4573. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 98, line 6, before the period insert the following: ''*Provided further*, That the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall conduct an assessment of the models used by the Louisiana family assistance call center and the National Center for Missing and Exploited Children in assisting individuals displaced by Hurricane Katrina of 2005 in locating members of their family to determine how these models may be modified to assist individuals displaced in a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in locating members of their family: *Provided further*, That the Secretary of Homeland Security shall submit to the chairman and ranking member of the Committee on Homeland Security and Governmental Affairs, the Committee on Health, Education, Labor, and Pensions, and the Committee on the Judiciary of the Senate and the chairman and ranking member of the Committee on Homeland Security, the Committee on Energy and Commerce, and the Committee on the Judiciary of the House of Representatives regarding the assessment conducted under the previous proviso: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Attorney General of the United States, shall issue regulations to implement the findings of such assessment, to the maximum extent practicable''.

SA 4574. Mr. COLEMAN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.___. PILOT INTEGRATED SCANNING SYSTEM.

(a) DESIGNATIONS.—

(1) IN GENERAL.—Not latter than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the ''Secretary'') shall designate 3 foreign seaports through which containers pass or are transshipped to the United States to pilot an integrated scanning system that couples nonintrusive imaging equipment and radiation detection equipment, which may be provided by the Megaports Initiative of the Department of Energy. In making designations under this subsection, the Secretary shall consider 3 distinct ports with unique features and differing levels of trade volume.

(2) COLLABORATION AND COOPERATION.—The Secretary shall collaborate with the Secretary of Energy and cooperate with the private sector and host foreign government to implement the pilot program under this subsection.

(b) IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall achieve a full-scale implementation of the pilot integrated screening system, which shall—

(1) scan all containers destined for the United States that transit through the port;

(2) electronically transmit the images and information to the container security initiative personnel in the host country and the National Targeting Center for evaluation and analysis;

(3) resolve every radiation alarm according to established Department procedures;

(4) utilize the information collected to enhance the Automated Targeting System or other relevant programs; and

(5) store the information for later retrieval and analysis.

(c) REPORT.—Not later than 120 days after achieving full-scale implementation under subsection (b), the Secretary, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, to the appropriate congressional committees, that includes—

(1) an evaluation of the lessons derived from the pilot program implemented under this section;

(2) an analysis of the efficacy of the Automated Targeted System or other relevant programs in utilizing the images captured to examine high-risk containers;

(3) an valuation of software that is capable of automatically identifying potential anomalies in scanned containers; and

(4) a plan and schedule to expand the integrated scanning system developed under this section to other container security initiative ports.

(d) IMPLEMENTATION.—As soon as practicable and possible after the date of enactment of this Act, an integrated scanning system shall be implemented to scan all containers entering the United States prior to arrival in the United States.

SA 4575. Mr. SANTORUM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 3, strike ''$5,285,874,000; of which'' and insert ''$5,459,135,000; of which $459,863,000 shall be for 1,500 additional Border Patrol Agents and the necessary operational and mission support positions, information technology, relocation costs, and training for those agents; of which''.

On page 127, between lines 2 and 3, insert the following:

''SEC. 540 (a) Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g)—

(A) by striking the first sentence; and

(B) by striking 'established under section 203(b)(2)' and all that follows through 'located' and inserting 'limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'; and

(2) in subsection (i)(1)(C), by striking 'limitations' and inserting 'limitation'.

(b) The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this section. The notice shall take effect upon issuance.''

SA 4576. Mrs. CLINTON (for herself, Mr. SCHUMER, Ms. MILKULSKI, Mr. MENDENDEZ, Ms. CANTWELL, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. REED, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 6, strike ''$2,393,500,000'' and insert ''$3,183,500,000, of which $790,000,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109–234''.

On page 91, line 8, strike ''$500,000,000'' and insert ''$1,100,000,000''.

On page 91, line 9, strike ''$350,000,000'' and insert ''$400,000,000''.

On page 91, line 22, strike ''$1,172,000,000'' and insert ''$1,312,000,000''.

On page 92, line 1, strike ''$745,000,000'' and insert ''$885,000,000''.

SA 4577. Mr. CORNYN proposed an amendment to amendment SA 4566 submitted by Mrs. MURRAY and intended to be proposed to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. 541. IMMIGRATION INJUNCTION REFORM.

(a) SHORT TITLE.—This section may be cited as the ''Fairness in Immigration Litigation Act of 2006''.

(b) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term ''consent decree''—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion under subsection (b)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (b)(2)(B). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (b)(2)(B)(iv).

SA 4578. Mr. WARNER (for himself, Mr. ALLEN, Mr. SARBANES, Ms. MIKULSKI, Mr. VOINOVICH, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 15, strike ''of which $8,000,000'' and insert ''of which no less than $2,741,000 may be used for the Office of National Capital Region Coordination, and of which $8,000,000''.

SA 4579. Mr. GREGG proposed an amendment to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 118, strike line 7 through page 119, line 2 and inset in lieu thereof the following:

SEC. 524. Using funds made available in this Act:

(a) Within 60 days of enactment of this Act, the Secretary of the Department of Homeland Security shall revise DHS MD [Management Directive] 11056 to provide for the following:

(1) that when a lawful request is made to publicly release a document containing information designated as SSI, the document shall be reviewed in a timely manner to determine whether any information contained in the document meets the criteria for continued SSI protection under applicable law and regulation and shall further provide that all portions that no longer require SSI designation be released, subject to applicable law, including sections 552 and 552a of title 5, United States Code;

(2) that sensitive security information that is four years old shall be subject to release upon request unless:

(A) the Secretary or his designee makes a written determination that identifies a rational basis why the information must remain SSI;

(B) the information is covered by a current sensitive security information application guide approved by the Secretary or his designee in writing; or

(C) such information is otherwise exempt from disclosure under applicable law.

Any determination made by the secretary under clause (a)(2)(A) shall be provided to the party making a request to release such information and to the Committees on Appropriations of the Senate and House of Representatives as part of the annual reporting requirement pursuant to section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088);

(3) common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking; and

(b) Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress that the Department has made in implementing the remaining requirements of section 537 of the Department of Homeland Security Appropriations Act, 2006 (Public Law 109–90; 119 Stat. 2088), including information on the current procedures regarding access to sensitive security information (SSI) by civil litigants and the security risks and benefits of any proposed changes to these procedures.

SA 4580. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 8 strike ''$3,740,357,000; of which'' and insert ''$3,780,357,000; of which $40 million shall be authorized for 1,150 additional detention beds spaces and the necessary operational and mission support positions, information technology, relocation costs, and training for those beds; of which''.

SEC. . At the appropriate place in the bill, insert:

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended by adding at the end the following new subsection:

''(n) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1-to 4 family dwelling in which the mortgagor will occupy or occupies one of the units.

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size.''.

NOTICE OF INTENT

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 5441 amendment No. 4568.

(The amendment is printed in today's RECORD under ''Text of Amendments''.)

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THUNE. 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 July 11, 2006, at 10 a.m., to conduct a hearing on ''Insurance Regulation Reform.''

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 2:30 p.m. The purpose of this hearing is to receive testimony relating to implementation of the Energy Policy Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 9 a.m., to hold a briefing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 11, 2006, at 2 p.m. to hold a Subcommittee hearing on Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 11, 2006, at 10 a.m. to consider the nominations of the Honorable Anna Blackburne-Rigsby to be Associate Judge, District of Columbia Court of Appeals; Phyllis D. Thompson to be Associate Judge, District of Columbia Court of Appeals; and Jennifer M. Anderson to be Associate Judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Hamdan V. Rumsfeld: Establishing a Constitutional Process'' on Tuesday, July 11, 2006, at 9:30 a.m. in Hart Senate Office Building Room 216. Witness list:

Panel I: Mr. Steve Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, United States Department of Justice, Washington, DC.

Mr. Daniel Dell'Orto, Principal Deputy General Counsel, United States Department of Defense, Washington, DC.

Panel II: The Honorable Theodore Olsen, Former Solicitor General, Partner, Gibson, Dunn & Crutcher, Washington, DC.

Professor Harold Koh, Dean, Yale Law School, New Haven, CT.

Mr. Paul ''Whit'' Cobb, Former Deputy General Counsel, United States Department of Defense, Washington, DC.

Lt. Commander Charles Swift, Office of Military Commissions, Office of Chief Defense Counsel, United States Department of Defense, Washington, DC.

Professor Scott L. Silliman, Former Judge Advocate General, USAF, Center on Law, Ethics and National Security, Duke University School of Law, Durham, NC.

Mr. Daniel Collins, Former Associate Deputy Attorney General, Partner, Munger, Tolles & Olson, Los Angeles, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, July 11, 2006, at 2:15 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: Members of Congress.

Panel II: William James Haynes, II to be United States Circuit Judge for the Fourth Circuit.

Panel III: Frances Marie Tydingco-Gatewood to be United States District Judge for the District of Guam.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 11, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDNG, OFFICE. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 100TH ANNIVERSARY OF THE NATIONAL AUDUBON SOCIETY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 448, S. Res. 301.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 301) commemorating the 100th anniversary of the National Audubon Society.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Environment and Public Works without amendment and amendments to the preamble, as follows:

(The part intended to be stricken is shown in boldface brackets and the part intended to be inserted is shown in italic.)

S. RES. 301

Whereas the welfare of the citizens of the United States is greatly enriched by the purposeful endeavors of individuals and organizations committed to the preservation and protection of our environment, and the enhancement of, and appreciation for, our natural surroundings;

Whereas the National Audubon Society, the Nation's largest bird conservation organization, is celebrating its Centennial year in 2005, having been incorporated on January 5, 1905, by dedicated women and men eager to save from extinction the Great Egret and other bird species killed for their feathers to support the fashion industry;

Whereas it is the intent of the Senate to recognize and pay tribute to the National Audubon Society upon the occasion of its 100th anniversary;

Whereas the founders of the National Audubon Society withstood violence and opposition to organize one of the longest-lived and most successful conservation groups in the United States, dedicated to the protection of birds, other wildlife, and their habitats through advocacy of environmental policy and education based on sound science;

Whereas the dedicated efforts of Audubon volunteers, members, and staff in support of landmark bird protection legislation have aided in the rescue efforts of the following species from the threat of extinction: Bald Eagles, Egrets, Ibis, Herons, Flamingos, Whooping Cranes, Peregrine Falcons, Brown Pelicans, Roseate Spoonbills, Atlantic Puffins, and Condors;

Whereas the National Audubon Society lent critical support to the protection of wildlife habitats through the passage of legislation, such as the Alaska National Interest Lands Conservation Act and the Act popularly known as the Everglades Restoration Act, the identification of 1,800 habitats critical to the survival of bird species through Audubon's Important Bird Areas Program, and the establishment of private bird sanctuaries;

Whereas the National Audubon Society played a critical role in the establishment of the Nation's first wildlife refuge, Florida's Pelican Island, in 1903, and the subsequent protection of Pelican Island and other refuge areas in the National Wildlife Refuge system; *and*

[Whereas birds are excellent indicators of environmental health, as impacted by such factors as pollution, climate change, toxins, and habitat loss, as well as our own long-term well being, and it is in our best interest to heed such indicators, which may ultimately affect human populations; and**]**

Whereas recognizing that the national network of community-based nature centers and chapters, scientific and educational programs, and advocacy of the National Audubon Society, engages millions of people of all ages and backgrounds in positive conservation experiences, and are integral to maintaining the health and beauty of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the National Audubon Society;

(2) congratulates the National Audubon Society on this milestone; and

(3) encourages the National Audubon Society to continue its important work to ensure that the next 100 years of conservation are a success.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to; the resolution, as amended, be agreed to; the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The resolution, as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 301

Whereas the welfare of the citizens of the United States is greatly enriched by the purposeful endeavors of individuals and organizations committed to the preservation and protection of our environment, and the enhancement of, and appreciation for, our natural surroundings;

Whereas the National Audubon Society, the Nation's largest bird conservation organization, is celebrating its Centennial year in 2005, having been incorporated on January 5, 1905, by dedicated women and men eager to save from extinction the Great Egret and other bird species killed for their feathers to support the fashion industry;

Whereas it is the intent of the Senate to recognize and pay tribute to the National Audubon Society upon the occasion of its 100th anniversary;

Whereas the founders of the National Audubon Society withstood violence and opposition to organize one of the longest-lived and most successful conservation groups in the United States, dedicated to the protection of birds, other wildlife, and their habitats through advocacy of environmental policy and education based on sound science;

Whereas the dedicated efforts of Audubon volunteers, members, and staff in support of landmark bird protection legislation have aided in the rescue efforts of the following species from the threat of extinction: Bald Eagles, Egrets, Ibis, Herons, Flamingos, Whooping Cranes, Peregrine Falcons, Brown Pelicans, Roseate Spoonbills, Atlantic Puffins, and Condors;

Whereas the National Audubon Society lent critical support to the protection of wildlife habitats through the passage of legislation, such as the Alaska National Interest Lands Conservation Act and the Act popularly known as the Everglades Restoration Act, the identification of 1,800 habitats critical to the survival of bird species through Audubon's Important Bird Areas Program, and the establishment of private bird sanctuaries;

Whereas the National Audubon Society played a critical role in the establishment of the Nation's first wildlife refuge, Florida's Pelican Island, in 1903, and the subsequent protection of Pelican Island and other refuge areas in the National Wildlife Refuge system; *and*

Whereas recognizing that the national network of community-based nature centers and chapters, scientific and educational programs, and advocacy of the National Audubon Society, engages millions of people of all ages and backgrounds in positive conservation experiences, and are integral to maintaining the health and beauty of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the National Audubon Society;

(2) congratulates the National Audubon Society on this milestone; and

(3) encourages the National Audubon Society to continue its important work to ensure that the next 100 years of conservation are a success.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc to Calendar No. 471, S. 1509; Calendar No. 465, S. 2041; Calendar No. 497, S. 2430.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bills as amended, if amended, be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPTIVE PRIMATE SAFETY ACT OF 2005

The bill (S. 1509) to amend the Lacey Act Amendments of 1981 to add nonhuman primates to the definition of prohibited wildlife species, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1509

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 ''Captive Primate Safety Act of 2005''.

SEC. 2. ADDITION OF NON-HUMAN PRIMATES TO THE DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2(g) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(g)) is amended by inserting ''or any non-human primate'' before the period at the end.

ED FOUNTAIN PARK EXPANSION ACT

The bill (S. 2041) to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2041

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 ''Ed Fountain Park Expansion Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE SITE.—The term ''administrative site'' means the parcel of real property identified as ''Lands to be Conveyed to the City of Las Vegas; approximately, 7.89 acres'' on the map entitled ''Ed Fountain Park Expansion'' and dated November 1, 2005.

(2) CITY.—The term ''City'' means the city of Las Vegas, Nevada.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE ADMINISTRATIVE SITE, LAS VEGAS, NEVADA.

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the administrative site for use by the City—

(1) as a park; or

(2) for any other recreation or nonprofit-related purpose.

(b) ADMINISTRATIVE EXPENSES.—As a condition of the conveyance under subsection (a), the Secretary shall require that the City pay the administrative costs of the conveyance, including survey costs and any other costs associated with the conveyance.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines that the City is not using the administrative site for a purpose described in paragraph (1) or (2) of subsection (a), all right, title, and interest of the City in and to the administrative site (including any improvements to the administrative site) shall revert, at the option of the Secretary, to the United States.

(2) HEARING.—Any determination of the Secretary with respect to a reversion under paragraph (1) shall be made—

(A) on the record; and

(B) after an opportunity for a hearing.

GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 2006

The Senate proceeded to consider the bill (S. 2430) to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great Lakes Fish and Wildlife Restoration Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes have fish and wildlife communities that are structurally and functionally changing;

(2) successful fish and wildlife management focuses on the lakes as ecosystems, and effective management requires the coordination and integration of efforts of many partners;

(3) it is in the national interest to undertake activities in the Great Lakes Basin that support sustainable fish and wildlife resources of common concern provided under the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force);

(4) additional actions and better coordination are needed to protect and effectively manage the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin;

(5) as of the date of enactment of this Act, actions are not funded that are considered essential to meet the goals and objectives in managing the fish and wildlife resources, and the habitats upon which the resources depend, in the Great Lakes Basin; and

(6) the Great Lakes Fish and Wildlife Restoration Act (16 U.S.C. 941 et seq.) allows Federal agencies, States, and tribes to work in an effective partnership by providing the funding for restoration work.

SEC. 3. DEFINITIONS.

Section 1004 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941b) is amended—

(1) by striking paragraphs (1), (4), and (12);

(2) by redesignating paragraphs (2), (3), (5), (6), (7), (8), (9), (10), (11), (13), and (14) as paragraphs (1), (2), (3), (4), (5), (6), (7), (9), (10), (11), and (12), respectively;

(3) in paragraph (4) (as redesignated by paragraph (2)), by inserting before the semicolon at the end the following: '', and that has Great Lakes fish and wildlife management authority in the Great Lakes Basin''; and

(4) by inserting after paragraph (7) (as redesignated by paragraph (2)) the following:

''(8) the term 'regional project' means authorized activities of the United States Fish and Wildlife Service related to fish and wildlife resource protection, restoration, maintenance, and enhancement impacting multiple States or Indian Tribes with fish and wildlife management authority in the Great Lakes basin;''.

SEC. 4. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS.

Section 1005 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941c) is amended to read as follows:

''SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.

''(a) IN GENERAL.—Subject to subsection (b)(2), the Director—

''(1) shall encourage the development and, subject to the availability of appropriations, the implementation of fish and wildlife restoration proposals and regional projects based on the results of the Report; and

''(2) in cooperation with the State Directors and Indian Tribes, shall identify, develop, and, subject to the availability of appropriations, implement regional projects in the Great Lakes Basin to be administered by Director in accordance with this section.

''(b) IDENTIFICATION OF PROPOSALS AND REGIONAL PROJECTS.—

''(1) REQUEST BY THE DIRECTOR.—The Director shall annually request that State Directors and Indian Tribes, in cooperation or partnership with other interested entities and in accordance with subsection (a), submit proposals or regional projects for the restoration of fish and wildlife resources.

''(2) REQUIREMENTS FOR PROPOSALS AND REGIONAL PROJECTS.—A proposal or regional project under paragraph (1) shall be—

''(A) submitted in the manner and form prescribed by the Director; and

''(B) consistent with—

''(i) the goals of the Great Lakes Water Quality Agreement, as amended;

''(ii) the 1954 Great Lakes Fisheries Convention;

''(iii) the 1980 Joint Strategic Plan for Management of Great Lakes Fisheries, as revised in 1997, and Fish Community Objectives for each Great Lake and connecting water as established under the Joint Strategic Plan;

''(iv) the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.);

''(v) the North American Waterfowl Management Plan and joint ventures established under the plan; and

''(vi) the strategies outlined through the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

''(3) SEA LAMPREY AUTHORITY.—The Great Lakes Fishery Commission shall retain authority and responsibility to formulate and implement a comprehensive program to eradicate or minimize sea lamprey populations in the Great Lakes Basin.

''(c) REVIEW OF PROPOSALS.—

''(1) ESTABLISHMENT OF COMMITTEE.—There is established the Great Lakes Fish and Wildlife Restoration Proposal Review Committee, which shall operate under the guidance of the United States Fish and Wildlife Service.

''(2) MEMBERSHIP AND APPOINTMENT.—

''(A) IN GENERAL.—The Committee shall consist of 2 representatives of each of the State Directors and Indian Tribes, of whom—

''(i) 1 representative shall be the individual appointed by the State Director or Indian Tribe to the Council of Lake Committees of the Great Lakes Fishery Commission; and

''(ii) 1 representative shall have expertise in wildlife management.

''(B) APPOINTMENTS.—Each representative shall serve at the pleasure of the appointing State Director or Tribal Chair.

''(C) OBSERVER.—The Great Lakes Coordinator of the United States Fish and Wildlife Service shall participate as an observer of the Committee.

''(D) RECUSAL.—A member of the Committee shall recuse himself or herself from consideration of proposals that the member, or the entity that the member represents, has submitted.

''(3) FUNCTIONS.—The Committee shall—

''(A) meet at least annually;

''(B) review proposals and special projects developed in accordance with subsection (b) to assess the effectiveness and appropriateness of the proposals and special projects in fulfilling the purposes of this title; and

''(C) recommend to the Director any of those proposals and special projects that should be funded and implemented under this section.

''(d) IMPLEMENTATION OF PROPOSALS AND REGIONAL PROJECTS.—

''(1) IN GENERAL.—After considering recommendations of the Committee and the goals specified in section 1006, the Director shall—

''(A) select proposals and regional projects to be implemented; and

''(B) subject to the availability of appropriations and subsection (e), fund implementation of the proposals and regional projects.

''(2) SELECTION CRITERIA.—In selecting and funding proposals and regional projects, the Director shall take into account the effectiveness and appropriateness of the proposals and regional projects in fulfilling the purposes of other laws applicable to restoration of the fish and wildlife resources and habitat of the Great Lakes Basin.

''(e) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (4), not less than 25 percent of the cost of implementing a proposal selected under subsection (d) (excluding the cost of establishing sea lamprey barriers) shall be paid in cash or in-kind contributions by non-Federal sources.

''(2) REGIONAL PROJECTS.—Regional projects selected under subsection (d) shall be exempt from cost sharing if the Director determines that the authorization for the project does not require a non-Federal cost-share.

''(3) EXCLUSION OF FEDERAL FUNDS FROM NON-FEDERAL SHARE.—The Director may not consider the expenditure, directly or indirectly, of Federal funds received by any entity to be a contribution by a non-Federal source for purposes of this subsection.

''(4) EFFECT ON CERTAIN INDIAN TRIBES.—Nothing in this subsection affects an Indian tribe affected by an alternative applicable cost sharing requirement under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).''.

SEC. 5. GOALS OF UNITED STATES FISH AND WILDLIFE SERVICE PROGRAMS RELATED TO GREAT LAKES FISH AND WILDLIFE RESOURCES.

Section 1006 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941d) is amended by striking paragraph (1) and inserting the following:

''(1) Restoring and maintaining self-sustaining fish and wildlife resources.''.

SEC. 6. ESTABLISHMENT OF OFFICES.

Section 1007 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941e) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GREAT LAKES COORDINATION OFFICE.—

''(1) IN GENERAL.—The Director shall establish a centrally located facility for the coordination of all United States Fish and Wildlife Service activities in the Great Lakes Basin, to be known as the 'Great Lakes Coordination Office'.

''(2) FUNCTIONAL RESPONSIBILITIES.—The functional responsibilities of the Great Lakes Coordination Office shall include—

''(A) intra- and interagency coordination;

''(B) information distribution; and

''(C) public outreach.

''(3) REQUIREMENTS.—The Great Lakes Coordination Office shall—

''(A) ensure that information acquired under this Act is made available to the public; and

''(B) report to the Director of Region 3, Great Lakes Big Rivers.'';

(2) in subsection (b)—

(A) in the first sentence, by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director'';.

(B) in the second sentence, by striking ''The office'' and inserting the following:

''(2) NAME AND LOCATION.—The office''; and

(C) by adding at the end the following:

''(3) RESPONSIBILITIES.—The responsibilities of the Lower Great Lakes Fishery Resources Office shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Lower Great Lakes.''; and

(3) in subsection (c)—

(A) in the first sentence, by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director'';.

(B) in the second sentence, by striking ''Each of the offices'' and inserting the following:

''(2) NAME AND LOCATION.—Each of the offices''; and

(C) by adding at the end the following:

''(3) RESPONSIBILITIES.—The responsibilities of the Upper Great Lakes Fishery Resources Offices shall include operational activities of the United States Fish and Wildlife Service related to fishery resource protection, restoration, maintenance, and enhancement in the Upper Great Lakes.''.

SEC. 7. REPORTS.

Section 1008 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941f) is amended to read as follows:

''SEC. 1008. REPORTS.

''(a) IN GENERAL.—Not later than December 31, 2011, the Director shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes—

''(1) actions taken to solicit and review proposals under section 1005;

''(2) the results of proposals implemented under section 1005; and

''(3) progress toward the accomplishment of the goals specified in section 1006.

''(b) PUBLIC ACCESS TO DATA.—For each of fiscal years 2007 through 2012, the Director shall make available through a public access website of the Department information that describes—

''(1) actions taken to solicit and review proposals under section 1005;

''(2) the results of proposals implemented under section 1005;

''(3) progress toward the accomplishment of the goals specified in section 1006;

''(4) the priorities proposed for funding in the annual budget process under this title; and

''(5) actions taken in support of the recommendations of the Great Lakes Regional Collaboration authorized under Executive Order 13340 (69 Fed. Reg. 29043; relating to the Great Lakes Interagency Task Force).

''(c) REPORT.—Not later than June 30, 2006, the Director shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives the 2002 report required under this section as in effect on the day before the date of enactment of the Great Lakes Fish and Wildlife Restoration Act of 2006.''.

SEC. 8. CONTINUED MONITORING AND ASSESSMENT OF STUDY FINDINGS AND RECOMMENDATIONS.

The Director of the United States Fish and Wildlife Service—

(1) shall continue to monitor the status, and the assessment, management, and restoration needs, of the fish and wildlife resources of the Great Lakes Basin; and

(2) may reassess and update, as necessary, the findings and recommendations of the report entitled ''Great Lakes Fishery Resources Restoration Study'', submitted to the President of the Senate and the Speaker of the House of Representatives on September 13, 1995.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 1009 of the Great Lakes Fish and Wildlife Restoration Act of 1990 (16 U.S.C. 941g) is amended to read as follows:

''SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Director for each of fiscal years 2007 through 2012—

''(1) $18,000,000 to implement fish and wildlife restoration proposals as selected by the Director under section 1005(e), of which—

''(A) not more than the lesser of 33⅓ percent or $6,000,000 may be allocated to implement regional projects by the United States Fish and Wildlife Service, as selected by the Director under section 1005(e); and

''(B) the lesser of 5 percent or $600,000 shall be allocated to the United States Fish and Wildlife Service to cover costs incurred in administering the proposals by any entity; and

''(2) $2,000,000, which shall be allocated for the activities of the Great Lakes Coordination Office in East Lansing, Michigan, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office under section 1007.''.

The Committee amendment in the nature of a substitute was agreed to.

The bill (S. 2430), as amended, was passed.

FREE NEWSPAPER ACCESS FOR BLIND AND OTHER PERSONS WITH DISABILITIES ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of S. 2918 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2918) to provide access to newspapers for blind or other persons with disabilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2918) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2918

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 ''Free Newspaper Access for Blind and Other Persons with Disabilities Act''.

SEC. 2. AUTHORIZATION OF PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Librarian of Congress is authorized, subject to the availability of appropriations, to pay telecommunications costs for blind and other persons with disabilities to have interstate free access to electronic editions of periodicals and newspapers, disseminated in specialized audio and electronic text formats and available contemporaneously with their print editions, from a multi-State nonprofit source described in paragraph (2).

(2) MULTI-STATE NONPROFIT SOURCE.—The multi-State nonprofit source referred to in paragraph (1) shall be an entity that obtains content from publishers for free distribution of 1 or more periodicals or newspapers to blind and other persons with disabilities in each State in which eligible persons receive books and other publications supplied by the Librarian of Congress under the Act entitled ''An Act to provide books for the adult blind'', approved March 3, 1931 (2 U.S.C. 135a).

(b) DEFINITION OF BLIND AND OTHER PERSONS WITH DISABILITIES.—In this section, the

term ''blind and other persons with disabilities'' means individuals who are eligible or who may qualify, in accordance with the Act entitled ''An Act to provide books for the adult blind'', approved March 3, 1931 (2 U.S.C. 135a), to receive books and other publications produced in specialized formats.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Library of Congress to carry out this Act $750,000 for fiscal year 2007 and such sums as may be necessary for each of the fiscal years 2008 through 2011.

PERMITTING USE OF CAPITOL ROTUNDA FOR 75TH ANNIVERSARY OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 427, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 427) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 427) was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Chairman of the Committee on Commerce, Science, and Transportation, and pursuant to Title 46, Section 1295b(h), of the U.S. Code, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from Mississippi, Mr. LOTT, from the Committee on Commerce, Science, and Transportation, and the Senator from Hawaii, Mr. INOUYE, from the Committee on Commerce, Science, and Transportation.

MEASURE READ THE FIRST TIME—S. 3637

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3637) to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003.

Mr. FRIST. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

RECOGNIZING SENATOR JOHN THUNE FOR 100 HOURS OF PRESIDING

Mr. FRIST. Mr. President, I wish to take a moment to recognize the Presiding Officer, Senator John Thune, for tonight reaching 100 hours of presiding. Senator THUNE should be commended for his perseverance. He often rushes to the floor to preside for only 10 minutes as we close our business for the day, making 100 hours seem almost unattainable. Congratulations to our Presiding Officer.

ORDERS FOR WEDNESDAY, JULY 12, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 12. I further ask unanimous consent that 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 for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; further, that following morning business, the Senate resume consideration of H.R. 5411, the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will continue its work on the Homeland Security appropriations bill. Today we had several votes relating to the bill, and tomorrow we can expect additional votes throughout the day. We will finish the bill this week. Therefore, I expect tomorrow to be a busier voting day than today. Senators should be working with the two managers if they intend to offer amendments.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. 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 7:52 p.m., adjourned until Wednesday, July 12, 2006, at 9:30 a.m.

EXTENSIONS OF REMARKS

FOURTH OF JULY TRIBUTE TO COMMUNITY SOLDIERS AND THEIR FAMILIES

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize some of the brave men and women of our community and their families on the Fourth of July 2006.

On this day, our forefathers stood up to oppose tyranny, and these men were willing to fight for freedom and liberty. These men made difficult sacrifices for these principles. Today the battle for freedom is not over, and those tough sacrifices are still being made. It is only fitting that today we show our support and honor these patriots.

From the United States Air Force: SrA Crystal Lynn Chatham and CPT John Matthews; from the United States Air Force Reserves: MSgt James E. Schlieper; from the United States Army: SPC Bruce Liptak, SP1 John Moan, SPC Scott Meehan, E–4 David Michael Hallwirth, and SGT Eric Klemm; from the United States Marines: PFC Michael J. Powell II, COL Michael Naylor, and Colonel Naylor's son PFC Paul Naylor; from the United States National Guard: CAP Edward Bartsch; from the United States Navy: Seaman Christopher Jazbinsek and 1LT Anthony DiBucci.

I ask my colleagues in the United States House of Representatives to join me in honoring these courageous soldiers on this day of celebrating our Independence. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute these great Americans.

PAYING TRIBUTE TO ROXANNE BOYCE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Roxanne Boyce for her long and distinguished career as an educator and librarian.

Roxanne received her undergraduate degree in music from Indiana University of Pennsylvania and then went onto to earn a masters in music from Carnegie Mellon University. Utilizing the lessons learned at those fine academic institutions, Roxanne began her teaching career as an elementary school music specialist. She taught elementary school for 11 years in Pennsylvania and 1 year in Arizona before moving to Las Vegas in 1980. Over the course of her 26-year career with the Clark County School District, Roxanne has served as a reading specialist and librarian at the elementary, middle and high school level. After having outstanding success opening the libraries at several new schools in our growing district, Roxanne accepted a position at Boulder City High School to revamp the ailing library in 1999. While at Boulder City High School, she successfully brought the library into the 21st century.

Mr. Speaker, I am proud to honor the career of Roxanne Boyce for devoting her career to advancing the quality of education. Her innovative approach and her passion for education have inspired countless students, teachers and community members. She has truly been an asset to Boulder City High School and to the entire community. I wish her the best in her retirement.

CONGRATULATING GERALD D. BANTOM, ON HIS RETIREMENT FROM THE UAW

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. CONYERS. Mr. Speaker, I rise today to recognize and congratulate United Auto Workers International Union Vice President Gerald Bantom on the occasion of his retirement. Having joined the UAW in 1964, Mr. Bantom's career is a testament to hard work and dedication. While excellent leaders are waiting in the wings to continue the work Gerald started, his leadership in negotiating for quality benefits in these trying times with Ford Motor Company will certainly be missed.

A Detroit native, Bantom joined UAW Local 600 in 1964 when he started at the Specialty Foundry at Ford Motor Company's River Rouge complex. Quickly gaining the respect of his peers in Local 600, in 1971 he was elected to the bargaining committee of the Specialty Foundry Unit of the local. Having excelled in this he was reelected to a second term in 1975 and as chairperson in 1978.

When the Specialty Foundry was closed in 1980, Mr. Bantom transferred to the Dearborn Engine Plant where his leadership abilities were immediately recognized. He was appointed as a district committeeman in 1980, and the next year he won election to the plant bargaining committee.

In 1982 Gerald was appointed as an international representative and was assigned to the UAW-Ford National Development and Training Center where he stayed in varying capacities until 1986.

Beginning in 1988 Mr. Bantom served as an administrative assistant to two successive UAW vice presidents and directors of the union's National Ford Department, Stephen P. Yokich and Ernest Lofton. During this time, when Ford Motor Co. was earning record profits and had hired more than half its current workforce, Gerald played an integral role in negotiating landmark collective bargaining agreements.

Following this hard work he was elected and served as director of UAW Region IA—a position he would represent with distinction until the UAW's 33rd Constitutional Convention on June 5, 2002 in Las Vegas, NV, were he was elected vice president.

After becoming vice president, Gerald Bantom immediately faced the difficult task of negotiating supplemental agreements for workers at Visteon and Automotive Components Holdings, changes in the UAW-Ford health care plan, and early retirement packages for UAW's Ford workers.

While his retirement leaves a void in the UAW leadership that will be difficult to fill, his work in mentoring a new generation of UAW leaders means that a significant part of his legacy has yet to be written. Regardless of how Gerald Bantom's final story will be, the leadership and passion he has brought to the UAW has provided a sterling role model for future labor leaders. On behalf of working Americans and a grateful Congress, Mr. Bantom, I thank you.

IN HONOR AND REMEMBRANCE OF JUDGE JOHN MANOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge John Manos, devoted father, grandfather, veteran, community leader and outstanding jurist.

Judge Manos grew up in Cleveland, OH, the son of Greek immigrants. He attended Lincoln High School followed by the Case School of Applied Sciences. There, he was captain of the football team and earned a degree in metallurgical engineering. Judge Manos served in the Navy for 2 years before returning to Cleveland to become an engineer. Over the next 4 years, he earned a law degree from Cleveland Marshall Law School. Judge Manos practiced law for 13 years before then Governor James Rhodes selected him to fill a vacancy in the Cuyahoga County Court of Common Pleas. He remained at the court until 1969 when he was appointed to the Eighth Ohio District Court of Appeals, and finally to United States District Court for the Northern District of Ohio by President Ford in 1976.

Judge Manos developed a solid reputation for preparedness and fairness during his tenure in the courtroom. Even through extreme illness and hospitalization, Judge Manos continued hearing legal matters and continued to render thoughtful and poignant decisions. His commitment to quality lawyers and judges went beyond the bench when he set up an intern program where students witnessed proceedings and then performed research in order to grasp the multifaceted prism that is the American legal system. Aside from his professional achievements, Judge Manos was an active member and leader in numerous civic and legal organizations, including the Cleveland Chapter of the American Hellenic Educational Progressive Association, Federation of Community Planning, the visiting committee for physical education and athletics of

Case Western Reserve University, and a member of the Board of Overseers at Cleveland-Marshall Law School.

Mr. Speaker and colleagues, please join me in honor and remembrance of Judge John M. Manos. Please also join me as I offer my deep condolences to his companion Gloria Donahue; to his sons, Michael and Keith; to his daughters, Donna and Christine; to his son-in-law, Patrick; to his 12 grandchildren; and to his extended family members and many friends. Although he will be greatly missed, his steadfast devotion to family and friends and unwavering focus on legal equality and justice highlighted his life, and his memory and impact will live on within the hearts of his family and friends, today and for all time, and he will never be forgotten.

HONORING MRS. MARILYN PINSKY'S RETIREMENT AS COMMISSIONER OF THE ONONDAGA COUNTY DEPARTMENT OF AGING AND YOUTH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to Mrs. Marilyn Pinsky. On June 30, 2006 Mrs. Pinsky retired as commissioner of the Department of Aging and Youth for Onondaga County, NY. Mrs. Pinsky's career with Onondaga County spanned over 35 years, starting in the Data Processing Department in 1971. She has worked her way up to commissioner of the Department of Aging and Youth, where she has ably served since 1993.

Mrs. Pinsky is a graduate of Syracuse University and earned a masters of public administration from the Maxwell School. She is a member of many community boards, including the Central New York Community Foundation, Success by Six Policy Council, and the Board of Visitors of the Syracuse University College of Human Services and Health Professions. She is a past president of the Interreligious Council of Central New York, and was a member of the boards of the Syracuse Symphony, Syracuse Stage, and the Freedom Trail Commission. She has been a dedicated employee, leader, and mother.

She is a recipient of the Temple Adath Citizen of the Year Award, a Post-Standard Woman of Achievement, the Hannah G. Solomon Award and the New York State Intergenerational Network Award, among others.

Mrs. Pinsky's service has made a lasting positive impact upon my hometown community. Most recently, she spearheaded an effort in Onondaga County to educate and assist in enrolling area seniors in the new Medicare Part D Prescription Drug Program. For its efforts, her department recently received commendation from the U.S. Department of Health and Human Services.

Mrs. Pinsky's dedication, knowledge and leadership are unparalleled and much appreciated. I wish her well in retirement and thank her for a job well done.

TRIBUTE TO CRANBERRY TOWNSHIP

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize Cranberry Township and the celebration of Community Day on the 4th of July 2006.

Cranberry Township's Community Day began over 100 years ago and as a celebration of the United States' Bicentennial in 1976. The events of this celebration included a parade, musket shoot, battle of the barrels contest, bonfire, sing-along, and fireworks.

Cranberry Township's Annual Community Day has evolved into an opportunity to highlight a number of local non-profit organizations. It has continued to grow and change to include, not only non-profits, but also businesses and vendors throughout the region. The annual festivity has expanded to include over 100 booths, activities, and events throughout the entire Cranberry Community Park with over 20,000 people attending.

I ask my colleagues in the United States House of Representatives to join me in honoring these courageous soldiers on this day of Independence. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute these great Americans.

PAYING TRIBUTE TO DR. CHARLES ''CHARLIE'' RUGGEROLI

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Dr. Charles ''Charlie'' Ruggeroli, who passed away on Saturday, June 24, 2006.

Charlie was a lifetime resident of Southern Nevada, a 12-letter man at Bishop Gorman, in football, basketball, and baseball. He would later watch his four sons play football and basketball at Bishop Gorman during the late 1970s and early 1980s. Charlie went on to the University of San Francisco on a basketball scholarship and subsequently earned his medical degree from Creighton University in Omaha, Nebraska. Charlie served in the Air Force and did residencies in Northern California before returning to Las Vegas to open his practice in 1974 and joining the staff at Valley Hospital.

No matter how busy Charlie was, he always took the time to explain everything to his patients and make sure all their questions were answered. In over 30 years of medical practice, his patients included Elvis Presley and Sugar Ray Leonard. Charlie also served on the Nevada State Athletic Commission.

Mr. Speaker, I am proud to honor the life of Dr. Charles ''Charlie'' Ruggeroli. He will be greatly missed by the community.

CONGRATULATING JAMES SETTLES, JR. ON HIS ELECTION TO THE UAW VICE PRESIDENCY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. CONYERS. Mr. Speaker, on June 14, 2006, James Settles Jr. was elected first vice president of the United Automobile Workers International Union at its 34th Constitutional Convention in Las Vegas, Nevada. My colleagues, today I rise to honor this fellow Detroiter on his elevation to the post and wish him the best of luck in his new position. While James is joining the union's national leadership at a critical juncture in its history I believe he has the necessary motivation and determination to guide the UAW into a prosperous future.

In some ways one could argue that James Settles, Jr. was a born labor leader. A third generation Ford Motor Company employee and son of James Settles, Sr., a well-known Detroit civil rights activist and labor leader, Settles' involvement with the UAW began in 1968, when he joined Local 600 after being hired at Ford's Dearborn Iron Foundry and Michigan Casting Center.

Just two years later, in 1970, he was elected to the General Council of Local 600 and in 1973 he was elected District Committeeman and Unit Recording Secretary. Over the next decade, he served in a variety of union posts and as a delegate to three UAW conventions. In 1982, he took a staff position at Local 600 and later was elected its first vice president in 1987.

As James Settles earned the respect and loyalty of his UAW brothers and sisters he has quickly and continuously risen through the UAW ranks. In 1992 he was first appointed to UAW International Staff and in 2002 he was elected director of Region 1A.

Having been a member of the UAW-Ford National Negotiating Committee since 1990, Mr. Settles brings a good deal of contract negotiating experience to the post of Vice President. This experience is especially important today given the current attack many workers are seeing on their collectively bargained contracts.

I firmly believe that this expertise will help him in his job of overseeing several of the national organizations that operate in conjunction with the UAW and the over 115,000 technical and professional workers he will represent. These workers come from all across the country from a range of industries and professions, including the healthcare industry, individual universities and university systems, an array of professional service and non-profit agencies. 20,000 of these workers are employed by the State of Michigan.

While Mr. Settles is a prominent leader in the UAW, his involvement in the community extends far beyond the factory walls. James is active in a wide range of community and civic organizations. He is a member of the Detroit-Wayne County Board of Authority, the Trade Union Leadership Council, the Coalition of Black Trade Unionists and a Life member of the NAACP. He serves on the boards of the Henry Ford Community College Employment and Training Development Center, the Detroit Public School Compact Association at

McMichael Middle School and the North Rosedale Park Civic Association. He is a former member of the board of the Rouge Employees Credit Union.

In conclusion, Mr. Settles I congratulate your election and once again wish you the best of luck.

IN HONOR AND REMEMBRANCE OF ANNA CHATMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Anna Chatman, devoted wife, mother, grandmother, great-grandmother, businesswoman, community activist and friend and mentor to many.

Mrs. Chatman lived her life with great joy and in endless commitment to her faith, family and community. Together, she and her beloved husband, the late Reverend Marcellus Chatman, raised their daughters, Marcella Caffie and Ruby Alexander. Her devotion to family extended outward into the community, where she touched the lives of countless individuals through her focus on social justice and political empowerment. In 1969, Mrs. Chatman founded the Harvest Day Care Center. As owner and operator, she secured funding in order to provide quality day care for mothers on welfare, which enabled numerous parents to break through the wall of poverty by having a safe and affordable place to bring their children while they worked. The Harvest Day Care Center remains in operation today, run by Mrs. Chatman's daughter, Ruby Alexander.

Mrs. Chatman's inner light, dynamic personality and her ability to connect with people created lasting impressions on those around her and served to forever change the landscape of the Democratic Party in Cuyahoga County. Even though she had no prior experience in politics, then U.S. Congressman Louis Stokes asked Mrs. Chatman to accept the role of executive director of the 21st District Caucus (which became the 11th District Caucus), knowing she could rally the support of African-Americans who felt overlooked by the Democratic Party. Mrs. Chatman inspired and guided countless individuals to become empowered and involved in the caucus. Under her direction, the caucus evolved to become one of the most powerful political organizations in the Nation, attracting up to 50,000 people to the caucus's annual Labor Day picnic and existing as a catalyst of political action and societal justice.

Mr. Speaker and colleagues, please join me in honor and remembrance of Anna Chatman, whose joyous life reflected great joy and an unwavering focus on lifting the lives of others. I offer my deep condolences to her daughters, Marcella and Ruby; to her grandchildren, great-grandchildren and great-great grandchildren, and to her extended family members and many friends. Although she will be greatly missed, her singular life, framed by love, integrity, conviction and strength, will shine forever in the hearts of her friends and loved ones and will forever illuminate the soul and hope of our entire community.

HONORING MR. FREDERICK MURPHY'S RETIREMENT AS DIRECTOR OF THE SYRACUSE HOUSING AUTHORITY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. WALSH. Mr. Speaker, I rise today to pay tribute to Mr. Frederick Murphy. On June 30, 2006, Mr. Murphy retired as director of the Syracuse Housing Authority in Syracuse, NY.

A graduate of Ithaca College, Mr. Murphy's career in local community development began in 1965 when he went to work for the city of Syracuse Urban Renewal Agency under then Mayor William F. Walsh. Later, he headed the city's Code Enforcement Division until he was appointed executive director of the Syracuse Housing Authority on February 18, 1971.

As the director of the SHA, Mr. Murphy successfully oversaw the administration of a $35 million annual budget operating 2,500 apartments and also managed the section 8 housing program. He helped secure more than $180 million in Federal grants to modernize every public housing development and oversaw great growth and expansion of the program, building 550 new apartments of public housing during his tenure.

Mr. Murphy's service has made a lasting positive impact upon my hometown community. Throughout his career he has worked with many mayors and HUD secretaries to greatly improve Syracuse's public housing.

Mr. Murphy's dedication, knowledge and leadership are unparalleled and much appreciated. I wish him well in retirement, and thank him for a job well done.

TRIBUTE TO NATRONA BOTTLING COMPANY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Natrona Bottling Company as they celebrate the anniversary of their founding.

From their beginning in 1904, The Natrona Bottling Company has a long and rich history of serving the needs of the people of Allegheny County and beyond. Beginning in 1939, the torch was passed to the Bowser family, and they carry on the tradition today with Mr. Paul Bowser currently serving as the CEO.

Natrona Bottling Company is the last remaining soda bottling company in Allegheny County, and all of their formulas are micro-crafted. They produce a multitude of delicious beverages, including: Red Ribbon Cherry Supreme, Red Ribbon Root Beer, Pennsylvania Punch, Jamaica's Finest Ginger Beer, and Champayno.

I ask my colleagues in the United States House of Representatives to join me in congratulating the Natrona Bottling Company. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute this wonderful company.

PAYING TRIBUTE TO COMMAND SERGEANT MAJOR JOSEPH LAPLANTE, JR

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Command Sergeant Major Joseph LaPlante Jr., who will retire on July 21, 2006, after 29 years of service in the United States Army.

Born in Worcester, Massachusetts, Command Sergeant Major LaPlante completed his basic training and advanced individual training at Fort Jackson, South Carolina, and Fort Sill, Oklahoma in September, 1977. He then served as a Fire Support Specialist, Armorer, and Career Counselor for the B Battery's 1st Battalion, 29th Field Artillery from 1978 to 1980 at Fort Carson, Colorado.

In October 1981, Command Sergeant Major LaPlante completed the Army Recruiter Course and was assigned as a Field Recruiter to the New Bedford, Massachusetts, Boston Recruiting Battalion. In April of 1984, he was the Station Commander of the Fall River Recruiting Battalion. In July of 2000, Command Sergeant Major was selected to attend the United States Sergeant Major Academy, Class 51, at Fort Bliss, Texas. On June 25, 2001, he assumed the position of Command Sergeant Major of the New England Recruiting Battalion.

After 27 years of service, Sergeant Major LaPlante assumed the position of the 6th Recruiting Brigade Command Sergeant Major in Las Vegas, Nevada.

Command Sergeant Major LaPlante has received many awards including the Gold Recruiter Badge with three Star Sapphires, the Recruiter Ring, the Glenn E. Morrell Award, the Career Counselor Badge, the Army Achievement Medal 3rd Award, the Army Commendation Medal 3rd Award, the Army Meritorious Service Medal 7th Award, Legion of Merit 2nd Award, National Defense Service Medal, the Non-commissioned Officer Professional Development with Numeral #4, the Army Service Medal, the Army Good Conduct 8th Award, and the Army Superior Unit Citation 2nd Award.

To add to all of his outstanding accomplishments, Command Sergeant Major LaPlante has a wonderful family including his wife, Patti, and his daughters, Crystal and Heather.

Mr. Speaker, I am proud to honor Command Sergeant Major Joseph LaPlante, Jr. for his distinguished record of service and his commitment to the United States Army. I wish him the best in his retirement and all future endeavors.

HONORING THE GIFT OF LIFE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. BISHOP of New York. Mr. Speaker, in these challenging times, it is refreshing to hear uplifting anecdotes of kindness and hope. I rise to recognize a tremendous source of these qualities on Long Island: the non-profit

organization known as Gift of Life, Inc., whose exemplary work benefits underprivileged children by helping uninsured and low-income families meet the cost of life-saving surgery.

Since Gift of Life was founded in 1975 by members of the Rotary Club of Manhasset, this truly remarkable organization has raised money for medical care and transportation of more than 3,000 children from across the United States and around the world whose families would not otherwise be able to afford such prohibitively expensive medical care. With 44 participating hospitals in the United States, I am proud to note that three are located on Long Island, including Stony Brook University Hospital, which has performed 450 of the heart surgeries.

Recently, Stony Brook partnered with the Suffolk County chapter of Rotary International and Gift of Life to help the family of Markus Dejong, a six-year-old boy from Farmingville who required an expensive operation to repair a defective valve in his heart. His father, an Iraq war veteran, was not insured or able to afford the cost of the operation and treatment. Fortunately, Gift of Life was there to help, and I am delighted to report that Markus' operation was successful. Following a recent visit to my office with his family, I am confident that he will grow up to be healthy and strong, with a normally functioning heart, thanks in large part to Gift of Life.

Mr. Speaker I strongly agree with Dr. Steven Whitman when he said, "We never stand so tall as when we stoop to help a child." Indeed, we would be hard-pressed to find more selfless and devoted Americans who could stand as tall as the Rotarians, translators, host families, medical professionals, surgeons, sponsors and other volunteers who have given so much to this premier life-saving program. I am privileged to recognize Gift of Life and every individual associated with its truly outstanding and inspiring contributions to our community and in support of those children who need our help the most.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on July 10, 2006 during rollcall votes No. 358 and No. 359 during the second session of the 109th Congress. Rollcall vote No. 358 was on the motion to suspend the rules and pass H.R. 2563. Rollcall vote No. 359 was on the motion to suspend the rules and pass H.R. 5061. I would have voted "yes" on both of these rollcall votes.

TRIBUTE TO SHALER AREA HIGH SCHOOL LADY TITANS AAAA VARSITY SOFTBALL TEAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Shaler Area High School Lady Titans AAAA Varsity Softball Team.

These young women displayed both skill and tenacity on the field, and they should be commended not only for their ability, but also their good sportsmanship. The Lady Titans' hard work and determination took them to the 2006 WPIAL Quad A where they were runners up and made them the 2006 Quad A PIAA State Champions.

I would like to recognize the following players: Lia Sorce, Erin Boyle, Megan Daley, Julie Stampfle, Megan Lynch, Joci Delaney, Val Smolter, Kristin Devlin, Kristen Lynch, Melissa McQuade, Jen Simile, Lisa Huber, Erin Fieldhouse, Heather Elstner, Stevie Stanek, Jenna Conrad, Sarah Knaus, and Becca Lynch. I would also like to recognize Head Coach Skip Palmer, Assistant Coaches Tom Haser and Brad Stone, Athletic Trainer Bill Couts, Athletic Director Paul Holszhu, and Principal William Suit.

I ask my colleagues in the United States House of Representatives to join me in congratulating the Lady Titans Varsity Softball Team. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such an outstanding group of athletes.

RECOGNIZING EDGEWOOD INDEPENDENT SCHOOL DISTRICT'S EFFORTS TO INCREASE STUDENT INTEREST IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today in support of Edgewood ISD's efforts to increase student interest in science, technology, engineering, and mathematics (STEM) careers.

It has become apparent that in this increasingly globalized world, our Nation's foothold as a global economic leader is becoming less stable everyday. Furthermore, in today's economy, jobs in technical fields are growing at five times the rate of other occupations, and they pay better. For these reasons, it is imperative that our young people develop the math and science skills that are instrumental in allowing them to become world leaders in technology and innovation, thus enabling the United States to maintain its global economic edge.

I am very proud of the efforts that Edgewood ISD is making to prepare its students with such skills. In 2001, Edgewood entered a team in the FIRST (For Inspiration and Recognition of Science and Technology) robotics competition as part of its Engineering Principles class. The Toltechs, also known as robotics team #499, have excelled in the FIRST competitions that require high school teams to design, assemble; and test a robot capable of performing a specified task. The students have shown great enthusiasm as they have gained proficiency in engineering and research. This excitement will no doubt encourage many of them to pursue careers in STEM fields.

Edgewood ISD has recognized the importance of this type of learning by supporting the development and growth of the Toltechs over the years. The team has also received generous support from and strong partnership with a number of private industries in their community. The evolution of the Toltechs demonstrates how schools and private industry can work together effectively to make a significant positive impact upon the lives of students.

More recently, Edgewood ISD has adopted another program to develop student's STEM skills. The Space TEAMS pilot in San Antonio targets middle school students from low income families, particularly girls, through a robotics competition called Botball. This exciting new program promises to also yield enthusiasm about STEM fields.

I recognize and honor the important opportunities that Edgewood ISD has provided to its students through programs such as FIRST and Space TEAMS. The skills and knowledge that these experiences provide, not to mention the sense of confidence and pride that they create, will benefit participants long after they have finished their primary education. I wish them continued success in their competitions and hope to see these types of programs flourish in our Nation's schools as we acknowledge the importance of arming our kids with STEM skills.

TRIBUTE TO MS. KATHRYN GENE SALEM

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mrs. CAPITO. Mr. Speaker, I rise today in honor of my good friend, Ms. Kathryn Gene Salem, Director of Mason County Action Group.

Ms. Salem has lovingly guided and nurtured the Mason County Action Group, molding it into an effective and productive agency in my congressional district. Ms. Salem's passion is shown in her desire to make seniors' lives better. Her selfless dedication to the community is evident through efforts coordinating and providing health, educational, recreational, and intergenerational services.

Ms. Salem's positive impact on the community will be felt for many years to come.

I join with the residents of Mason County and West Virginia in commending Ms. Salem for her outstanding ability to give to others for the past 28 years. Mr. Speaker, I urge my colleagues to join me in honoring Ms. Salem's retirement.

INTERNATIONAL GAUCHER AWARENESS MONTH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. FRANK of Massachusetts. Mr. Speaker, once again I want to call attention to the important work of the National Gaucher Foundation, a group of very dedicated people who are as they describe their work engaged "in an ongoing endeavor to spread the word and help educate others about Gaucher Disease."

September will be International Gaucher Awareness Month, and because it is important that people know more about this disease and how to combat it, I take the occasion to insert here an article from the publication Spotlight On Health that provides important information about this disease.

Gaucher Disease predominately affects Jewish people of Eastern European descent—Ashkenazim—and the foundation notes that a large majority of those most susceptible to the disease remain unaware of it. This makes their work particularly important as part of our overall effort to give people the tools with which they can protect their health, and I ask that the article from Spotlight On Health about Gaucher Disease be printed here, in time for International Gaucher Disease Awareness Month.

GAUCHER DISEASE: LEARNING THE TRUTH

(NAPS)—A simple test could help diagnose and treat a genetic disease that can cause severe debilitation. Yet nine out of 10 people most at risk for the condition do not even know it exists.

The condition, called Gaucher disease, can affect all people, but is primarily seen in Jewish populations of Eastern European descent. The carrier rate for these people may be as high as one in 15 and the rate of the disease in the general population is believed to be about one in 100 to 200 people. If both parents carry the disease, the odds of a child being born with it are one in four.

Gaucher disease is passed down from parent to child and can occur at any age. Signs and symptoms can include:

Fatigue

Unusual bruising

Bleeding episodes

An enlarged abdomen

Bone pain.

Although the disease can be devastating, it can often be managed. However, people must first be aware of the condition, which many are not. ''A survey showed that 90 percent of the Jewish population is unaware of Gaucher disease. That means many people may be symptomatic and have no idea that they even have the disease,'' says Rhonda Buyers, National Gaucher Foundation Executive Director. ''The good news is that, unlike other genetic conditions, Gaucher disease is treatable and can be diagnosed with the use of a simple blood test.''

Buyers says that lack of awareness about Gaucher disease extends to physicians as well. In fact, a survey found that four of five blood specialists suspected leukemia or lymphoma when presented with the signs and symptoms of Gaucher disease.

Her group is working to change that. Not only does The National Gaucher Foundation fund research intended to cure Gaucher disease, it also works to promote physician and community awareness about the condition (September is Gaucher Awareness Month). At the same time, the foundation helps meet the needs of patients and families affected by Gaucher.

People interested in information on Gaucher disease testing or who want to learn more about the disease's symptoms can visit the group's Web site, www.gaucher disease.org.

SCIENCE, STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

SPEECH OF

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2006

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. GORDON. Mr. Chairman, I am very pleased that the report accompanying H.R. 5672, the Science, State, Justice, Commerce, and Related Agencies Appropriations Act of FY 2007, has directed funding under the COPS Methamphetamine Enforcement and Clean-up account for the Tennessee Meth Educational Program.

Tennessee Tech University will use this funding to design and implement the meth educational program in keeping with President Bush's National Drug Control Strategy, which aims to reduce all drugs in the United States by 25 percent within 5 years.

Some schools in Tennessee have begun implementing educational programs in public schools designed to stop meth abuse. However, in many cases, there have not been effective follow-up programs for classroom teachers, school counselors, school nurses, school psychologists, and administrators. And, school counselors report that methamphetamine abuse is an inhibiting factor in the personal and educational development of their students—whether or not their school has had a methamphetamine program. To address these issues, Tennessee Tech University will develop an in-service program for public middle and high school personnel in 15 counties (17 school districts) to: review the symptoms and identification of meth use; explain the hazards of meth abuse for children; and examine how to utilize reporting procedures (such as those involving the school field officers) and legal consultation.

Since 1999, the number of meth labs in Tennessee has increased by more than 500 percent. Last year, Tennessee accounted for 75 percent of all meth lab seizures in the Southeast. Only three states nationwide had more meth lab seizures in 2005. Many of the worst effects of meth are felt by the children involved. Children taken from active meth labs are separated from adult family members and sometimes from siblings, and cannot even keep their toys or clothing for comfort. In addition, children often must be taken to the hospital to test for exposure to a variety of toxic substances. In 2004, Tennessee was forced to place more than 700 children of meth users in state custody.

I am pleased that Tennessee Tech University will be collaborating with schools in Tennessee to address this critical problem, and I am very grateful to the Appropriations Committee for directing this important funding to Tennessee Tech University.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. BECERRA. Mr. Speaker, on Monday, July 10, 2006, I was unable to cast my floor vote on rollcall numbers 358 and 359. The votes I missed included motions to suspend the rules and pass H.R. 2463 and H.R. 5061 respectively. The former authorizes the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, while the latter is the Paint Bank and Wytheville National Fish Hatcheries Conveyance Act.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 358 and 359.

PERSONAL EXPLANATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. REICHERT. Mr. Speaker, on July 10, 2006, I missed the following rollcall votes due to an emergency landing in Denver, CO, en route to Washington DC:

(1) Rollcall vote No. 358, H.R. 2563: To authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in Idaho, and for other purposes.

(2) Rollcall vote No. 359, H.R. 5061: Paint Bank and Wytheville National Fish Hatcheries Conveyance Act (15 minutes).

Had I been present, I would have voted ''yes'' to rollcall vote No. 358, and ''yes'' to rollcall vote No. 359.

HONORING THE SERVICE OF COMMANDER WILLIAM MILNE OF THE UNITED STATES COAST GUARD

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. COBLE. Mr. Speaker, I rise today to honor Commander William J. Milne for his service to the United States House of Representatives and his continued service to our country in the United States Coast Guard.

Commander Milne was assigned as the Coast Guard liaison officer to the United States House of Representatives in July 2003, and I am proud to have had the opportunity to work closely with him. In my leadership roles on the Coast Guard and Maritime Transportation Subcommittee and in numerous other venues, my staff and I have often relied on Commander Milne's knowledge and understanding of the operational missions, the current day-to-day challenges, and the roles and responsibilities of the United States Coast Guard.

While Commander Milne began his House career 3 years ago as the chief of the Coast

Guard's House Liaison Office, his Coast Guard career began more than three decades earlier as a 1975 graduate of the Recruit Training Center in Alameda, CA.

In 1975, Seaman Apprentice Milne was assigned to his first unit working as a Search and Rescue communications watchstander and a Motor Life Boat coxswain. During this assignment he also became one of the few distinguished registered SURFMAN in the Coast Guard while being promoted quickly to the rank of boatswain's mate first class and accepting the duties as executive petty officer of Station Umpqua River in Winchester Bay, OR. Commander Milne received five promotions within his first 3½ years in the United States Coast Guard.

In 1983, he was promoted to chief petty officer and transferred to the Second Coast Guard District in St Louis, MO, serving in the Rescue Coordination Center overseeing search and rescue and bridge operations in a 22–State area throughout the MidWest before being selected to attend Officer Candidate School in Yorktown, VA, in 1986. Later that year, he was promoted to the rank of ensign, thus beginning his commissioned career.

During his 31-year career, Commander Milne has been assigned to seven coast Guard cutters and has commanded the cutters *Cape Cowin, Redwood* and *Juniper.* His shore assignments have included the Professional Development staff at the Coast Guard Academy, Office of Financial Management at Coast Guard Headquarters, and as Surface Operations Assignment officer at the Personnel Command.

This week, Commander Milne will leave his post as the Coast Guard's House liaison and head off to the Naval War College in Newport, RI. He will be missed in the United States House of Representatives.

It has been my pleasure to work with Commander Milne. On behalf of all who have also been fortunate to work with him, we wish Commander Milne and his wife Martina the best in all of their future endeavors.

A TRIBUTE TO GEORGE UPTON, JR.

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Mr. George Upton, Jr. for his remarkable 50 years of service in the Sampson County Agricultural Extension Service. George's tremendous spirit, dedication and work in the agricultural industry has greatly helped the citizens of Sampson County and the State of North Carolina, and George should be commended for his service.

George demonstrated a strong work ethic and commitment to improving the agricultural industry from an early age. After receiving his degree in Animal Science from North Carolina State University in 1959, George began his career as a 4–H agent with the Sampson County Agricultural Extension Service. Later, George went on to become a livestock agent and is now the Sampson County Cooperative Extension director.

George has brought exemplary service and visionary leadership to every position he has held throughout his career. Not only has he served as an educator and mentor, but George has helped make significant advancements in agriculture during the last 50 years. For instance, George has helped implement innovative programs, contributed to the utilization of new technologies in the livestock area, and he has been instrumental in obtaining additional funding for agriculture. George has been essential to the creation of the Sampson County Friends of Agriculture.

George has received numerous awards recognizing his contribution to agriculture and to Sampson County. He has received awards from the Cooperative Extension Service, has been recognized by the beef and pork industry, and he has been inducted into the Sampson County Hall of Fame. In addition, the Sales Arena and Show Ring at the Sampson County Livestock Facility are named in his honor.

There may be no greater tribute to George, however, than the recent creation by his friends and colleagues of the George Upton, Jr., Livestock Endowment for Sampson County. This endowment honors George's outstanding 50 years of service and brings together his commitment to Sampson County and its people with his passion for the livestock program. The endowment will be housed by the North Carolina Cooperative Extension Service Foundation and will provide programmatic funding for adult and youth livestock programs, awards and recognition for competitive activities, and educational scholarships in animal science. This endowment will help ensure that George's commitment to providing improvement to and opportunities for livestock programs in Sampson County will continue for generations to come.

We thank George, on behalf of the citizens of Sampson County, NC, and the Nation for his remarkable service to agriculture. May God's strength, joy and peace be with him always.

HONORING THE STATE OF HAWAII FOR COMBATING UNDERAGE DRINKING

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. ABERCROMBIE. Mr. Speaker, I rise today to commend the Hawaii State Legislature for increasing penalties for adults who supply alcohol to persons under the legal drinking age of 21. I believe this is one important step toward attacking the supply chain that fuels the national problem of underage drinking.

According to authorities, adults are by far the main source of alcohol for underage drinkers. A report to Congress by the National Academy of Sciences identified friends and adult purchasers as the most frequent sources of alcohol among college students and older adolescents. Family members were cited as the most frequent source for younger adolescents. The Century Council, a not-for-profit educational organization dedicated to fighting drunk driving and underage drinking, found that 65 percent of underage drinkers get their alcohol from family and adult friends.

Hawaii's new law is among 7 bills that have passed into law and nearly 20 that have been introduced in States throughout our great Nation that link underage drinking and providing alcohol to those under 21 with a penalty relating to the revocation of driving privileges for the offender. Diageo, a large beverage alcohol company, in an example of enlightened corporate citizenship, is among the firms that have led the effort to move this type of legislation in state legislatures throughout the country. As such, many have referred to bills like Hawaii's new law as a "Diageo Bill."

The American Legislative Exchange Council has made the "Diageo Bill" one of their model pieces of legislation for 2006. I urge all States to pass this type of measure.

While only one piece of this important puzzle, the State of Hawaii along with the people at Diageo and those of similarly committed companies should be commended for being a leader in the fight against underage drinking.

TEXAS RANGER DREW CARTER—TEXAS LAWMAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. POE. Mr. Speaker, it was a scene out of an old western movie: The villainous outlaw, realizing his defeat, surrenders in the hot sun to the valiant lawman. For Texas Ranger Drew Carter however, there was no mistaking that this scenario was not some Hollywood fantasy, but a dangerous reality. On July 13, 1999, Ranger Carter was waiting, with a knot in the pit of this stomach, at the center of a bridge connecting El Paso, TX to Mexico. He was waiting for true evil to show his face.

This tale begins 2 years earlier when a series of brutal murders occurred in homes along the railroad tracks in Texas. Texans were paralyzed with fear by a serial killer dubbed the "Railroad Killer." He baffled law enforcement because it seemed as if he randomly chose his victims and the times of the attacks, making it impossible to know who and when he would strike next. He used any weapon available: a pickax, a sledgehammer, a tire iron, a shotgun. The only common factor was that each victim lived by railroad tracks.

Slowly, through cooperation of local, State, and federal agencies, Angel Resendez Ramirez, an illegal Mexican immigrant would be wanted for the brutal slayings. He was elusive, slipping back and forth across the U.S./Mexican border more than a dozen times, and evading several FBI arrest traps. It would finally take the unyielding efforts of Texas Ranger Drew Cater to end Ramirez's violent reign.

The Texas Rangers are the most well-known and respected law enforcement officers in the World, more famous than Scotland Yard itself. Established in 1823 by Stephen F. Austin, the Rangers were the protectors of new settlers in the untamed Spanish Province, of what is now Texas. They have done battle with horse thieves, bank robbers, "Indians," outlaws, and were even instrumental in the U.S.' success in the Mexican-American War. Over the next 150 years, the responsibilities of Texas Rangers grew to include investigations, fugitive apprehension, and assisting other law enforcement across the State. They are elite; there are only 118 commissioned Rangers,

and Drew Carter had the aspiration of becoming one. He had dreamed of being nothing but a Texas Ranger since he was a small child. He was proud to wear that gleaming silver badge, white Stetson hat, and cowboy boots. Little did Ranger Carter know that he would make history.

As law enforcement combed Texas for Ramirez in 1999, Ranger Carter conceived an idea for Ramirez's apprehension. He knew that Ramirez was close to his sister and thought maybe she would be willing to convince him to surrender. Carter's instinct proved to be correct: Ramirez's sister was more than willing to convince Ramirez to surrender. She was worried he would be killed by law enforcement, or worse, that he would kill again. Over several weeks, Carter worked out a deal with Ramirez's sister. If Ramirez would surrender, Carter would make sure that he was protected in jail, could be visited by family and friends, and would receive a psychological evaluation.

Ranger Carter's terms were agreed to by Ramirez's sister, as well as by the district attorney of Harris County, TX, one location where Ramirez was wanted. The agreement was struck that Ramirez would peacefully surrender to Ranger Carter, and only Ranger Carter, on the middle of the bridge connecting Mexico and Texas. So on July 13, 1999, the demonic killer who had brutally terrorized the good citizens of Texas for nearly 2 years quietly shook the hand of Ranger Drew Carter and surrendered.

On June 27, 2006 Angel Resendez Ramirez was put to death for his crimes, effectively ending his reign of terror forever. Had Ranger Carter not acted with the intelligence and diplomacy of a Texas Ranger, this justice may have never been carried out. He is a humble man, stating that he did not apprehend Ramirez on his own. Mr. Speaker, Ranger Carter was aided by other Texas lawmen and federal agents; but it was because of his particular heroism and determination, a dangerous killer faced the justice he deserved. Today, I am honored to pay him this tribute.

That's just the way it is.

TRIBUTE TO MERCY FLIGHT OF WESTERN NEW YORK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Mercy Flight of Western New York and their commitment in providing life-saving services to the community on this, their 25th anniversary. On September 27, 1981 Mercy Flight flew its first mission and since then has transported more than 13,000 patients for emergency care.

Mercy Flight was the pioneer of air-medical service in New York State and one of the first operations of its kind in the United States. Its nine guiding principles include: patient focus, integrity and honesty, neutrality, clinical excellence, safety, readiness, respect, community partnership, and fiduciary obligation. By relying on these principles Mercy Flight has proven their dedication to their life-saving mission.

Mercy Flight is independent of any hospital and instead puts their patients first and chooses the hospital that will best suit their medical needs, honoring a simple goal: to save lives. Mercy Flight has provided an exemplary service to Western New York during emergencies when every second matters. They provide fast, safe, and cost-effective air-medical emergency services to over 600 people every year.

Today, Mr. Speaker, I thank you for allowing me to pay tribute to Mercy Flight, an organization that has devoted 25 years of service to the community and one that will be deeply valued by Western New York for decades to come.

IN RECOGNITION OF FLOYD WEAVER

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. CARDOZA. Mr. Speaker, it is with the greatest sincerity and respect that I rise today to honor Floyd Weaver, longtime community activist and icon in Stockton, California. He has recently been honored by the Stockton Chapter of the National Association for the Advancement of Colored People with a Lifetime Achievement Award. Mr. Weaver has taught in the Stockton Unified School District for 39 years, with over 20 years of experience in city government. It truly is an honor to join the NAACP in recognizing his notable contributions and dedication to our community.

Floyd Weaver is an innovative thinker, a highly respected leader and an individual with an unwavering commitment to the Stockton community. Throughout his career, Mr. Weaver has distinguished himself as a pioneer in the education realm, starting out as one of few African American males to teach in the Stockton Unified School District and later becoming the first African American Male Principal in the school district. After 39 years with the Stockton Unified School District, Mr. Weaver moved into the realm of city politics. While serving on the Stockton City Council, he founded and chaired the Dr. Martin Luther King, Jr. Recognition ad hoc Committee and later developed a Dr. Martin Luther King, Jr. Trust for charitable events. The then City Councilmember became a two term Vice Mayor, another first for African Americans in our community. During his tenure as Vice Mayor, Mr. Weaver witnessed the realization of one of his proudest achievements, the Martin Luther King Jr. Plaza in the heart of downtown Stockton.

Floyd Weaver's service has reached beyond the City to Stockton to the county and state levels. In 1997 Mr. Weaver began serving on the Board of Directors for San Joaquin Regional Transit District, including two terms as Chair and three terms as Vice Chair. In October 2003, he was appointed to the California State Reclamation Board by Governor Gray Davis. More recently, he has been recognized for his efforts in renaming part of Charter Way in Stockton to honor civil rights leader Martin Luther King Jr. In addition, Mr. Weaver serves on several local advisory boards and committees and continues to be recognized with numerous awards for his ongoing involvement and unmatched devotion to the community.

Mr. Speaker, the recognition that I am offering today before the House of Representatives for Mr. Floyd Weaver is clearly deserved and well overdue. He is an esteemed member of our community, a lifelong activist for all people young and old, and an outstanding human being who will leave behind a legacy to be admired for generations to come. I ask my colleagues to join me in honoring him for his remarkable career and untiring dedication to a vision for a better tomorrow for the people of our community.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. LEE. Mr. Speaker, on Monday, July 10, 2006, I missed rollcall votes Nos. 358 and 359. Had I been present, I would have voted "aye" on H.R. 2563 and H.R. 5061.

DEEP OCEAN ENERGY RESOURCES ACT OF 2006

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes:

Ms. KILPATRICK of Michigan. Mr. Chairman, I rise today in opposition to H.R. 4761, the Deep Ocean Energy Resources Act. I believe the measure deceptively undermines States' rights to protect their coastlines, compromises fragile coastal environments, and ultimately would cost taxpayers billions in lost revenue, adding to the already record-setting national deficit.

H.R. 4761 presents the illusion of granting States more control over drilling, when in actuality it makes it more cumbersome for States choosing to continue protecting their coastlines. States desiring to opt-out of drilling would be required to pass legislation every 5 years, subject to approval by their governor, and present it to the Federal Government. If State legislatures and their governors are unable to come to agreement on drilling policy within one year of this bill's enactment, they would lose their right to decide as the Federal Government would then have authority to begin granting leases within 50 to 100 miles off their coastlines.

This bill attempts to bait States, already suffering fiscal restraints due to the Majority's consistent practice of cutting States funding for vital services like Medicaid/Medicare and public education, with a greater share of revenue if they are willing to sacrifice their coastal protections. It would take the second largest funding source of the Federal Government, after income taxes, and redistribute those funds only to the coastal States that will allow drilling. This comes as a sacrifice to all other States as the Interior Department has estimated the alteration of current Federal-State revenue sharing provisions on royalty payments will result in a loss of approximately

$70 billion in revenues over the next 15 years; adding to the public debt burden.

It is important to note that 80 percent of known oil and natural gas reserves are in areas where drilling is already permitted. The Department of the Interior has already offered leases for 267 million acres of the outer-continental shelf; however, energy companies have only taken the initiative to explore 24 million of those acres already available to them. It would be insensible to risk these coastal environments before companies have even exhausted the exploration of areas they are already permitted to drill.

America's families need real relief from high-energy costs. Even if this measure had addressed this issue in the most optimal manner, offshore exploration remains an expensive, slow, and risky way of addressing the nation's energy crisis. The Federal Government should be investing resources to advance energy efficiency, conservation, and the development of alternative fuels, which can provide immediate relief to American citizens, not reinforcing our nation's gluttonous appetite for oil.

I urge my colleagues to vote "no" on H.R. 4761.

PAYING TRIBUTE TO MARK JAGET

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Mark Jaget, who recently competed in the Gobi March, a 7 day 150-mile footrace across China's Gobi Desert.

Mark Jaget is a chiropractor who owns three Spinal Rehabilitation Centers in Southern Nevada with his brother, David. He and his wife Clare have two children, Sebastian, who is 7, and Tristan, who is 5. Mark enjoys endurance running and has competed in several marathons over the years. This year, Mark chose to further challenge himself by competing for the first time in the rigorous Gobi March.

The Gobi March is a 6-stage, 7-day trek across some of the world's most severe terrain, which includes salt flats, sand dunes, rivers, slot canyons and mountain ridges. To add to the challenge of the race, competitors in the Gobi March are required to carry a 7 day supply of food and the supplies necessary to survive on the trek. Despite confronting intense temperatures, 60 mile-per-hour winds and a stress fracture in his foot, Jaget crossed the finish line on June 3, 2006. Although he competed against nearly one hundred experienced endurance runners and ultra marathoners from around the world, Jaget finished the race an impressive 9th place, with a time of 32 hours and 56 minutes.

I applaud Mark Jaget for his unparalleled determination and will to succeed. His resolve to compete at such an outstanding level is an inspiring example of what a person can accomplish when committed to physical preparation and personal fortitude. What is truly inspiring, however, is that Mark chose to race in this grueling competition on behalf of several charities that are devoted to providing for veterans disabled in the War on Terror and to honoring the men and women who serve in the United States Military. I cannot think of a more commendable way to show appreciation for those who serve and sacrifice for our great country and for the cause of freedom.

Mr. Speaker, I am honored to recognize Mark Jaget on the floor of the House for his extraordinary accomplishment. I commend him for his overwhelming determination to achieve personal excellence and I appreciate his commitment to honoring the United States Military. Mr. Jaget has set a wonderful example for his family and his community and I wish him well in all his future endeavors.

SUPPORING INTELLIGENCE AND LAW ENFORCEMENT PROGRAMS TO TRACK TERRORISTS AND TERRORIST FINANCES

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

Mr. ETHERIDGE. Mr. Speaker, I rise in opposions to House Resolution 895 and in support of a better alternative, H. Res. 900 introduced by Congressman FRANK.

H. Res. 895 intends to express the sense of Congress that we are in support of intelligence and law enforcement programs used to track terrorists and terrorist finances when these programs are consistent with Federal law and with appropriate Congressional consultation. H. Res. 895 also specifically condemns the disclosure and publication of classified information that impairs the international fight against terrorism and needlessly exposes Americans to the threat of further terror attacks. Although I agree with these basic tenants, H. Res. 895 includes several statements that cannot be factually confirmed as of yet by the vast majority of Members of Congress.

No Congressional Committee has formally looked into the terrorist finance tracking program. The Financial Services Committee will not hold its first oversight hearing on this topic until July 11, 2006. Although H. Res. 895 includes a clause stating that Congress has been fully informed on the terrorist finance tracking program, we cannot ask Members of Congress to affirm specific statements about the legality and constitutionality of a program that have yet to be independently confirmed. I simply cannot state something to be a fact that I do not know to be a fact. To do so would be a disservice to the people of North Carolina's Second District I have sworn to serve.

In contrast, H. Res. 900 expresses the same sense of Congress in support of lawful programs used to track terrorists and terrorist finances, as well as the condemnation of the disclosure of classified information, while remaining free of any of these unverified statements of fact. H. Res, 900 is a balanced, thoughtful and appropriate statement of Congressional support for vigorous prosecution of the war against the terrorists.

IN SUPPORT OF SUBSIDIZED GUARDIANSHIP

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. FATTAH. Mr. Speaker, across America, too many children remain in the foster care system for far too long. Through efforts known as subsidized guardianship, though, the amount of time from entrance into foster care to permanent placement is being slightly reduced.

Currently, there are more than six million children living in households headed by grandparents or other relatives. The reasons vary, some children enter due to the death of a parent, others have been neglected while others have suffered abuse and still more live in foster care because of poverty or the military deployment of a parent. Whatever the reason, these children lack the security that permanent residency affords. I celebrate grandparents and other relatives who unselfishly and at great financial sacrifice provide safe, stable homes for these children. There are compassionate programs such as subsidized guardianship, that permit children to transition from the foster care system into the permanent custody of loving and supportive relatives in a comparatively short period of time.

In my State of Pennsylvania, 7 percent of the children live with non-parent relatives. Grandparents and other relative caregivers are often the best chance for a stable childhood for the children in their care, but their hard work and dedication often go unnoticed. I appreciate and congratulate those who put the interest of our Nation's children first. Future generations will be better because of those who provide the continuing services of subsidized guardianship.

DIRECTING SECRETARY OF HOMELAND SECURITY TO TRANSFER FUNCTIONS OF UNIT OPERATING ON THE TOHONO O'ODHAM INDIAN RESERVATION

SPEECH OF

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Mr. SHADEGG. Madam Speaker, I rise in support of H.R. 5589, a bill to transfer a Customs Patrol Officers unit known as the "Shadow Wolves," to the Department of Homeland Security's Immigration and Customs Enforcement branch.

The Shadow Wolves were created by an Act of Congress in 1972, establishing a Native American customs unit to operate along the Tohono O'odham Nation's border with Mexico. The unit is entirely composed of Native Americans and is tasked with infiltrating and disrupting drug cartels and smuggling operations along the border.

In March of 2003, I had the opportunity to visit the Tohono O'odham Nation during a Congressional hearing on border security and our anti-drug efforts. I met with the Shadow Wolves, and found them to possess a unique dedication toward pursuing smugglers. Their

investigative skills and tracking techniques provide vital information and intelligence to local, state, and federal law enforcement agents. Their traditional roles in intelligence gathering, evidence collection, and prosecution have been imperative to our national security and anti-drug efforts.

Unfortunately, these roles have been altered since being reassigned to the Bureau of Customs and Border Protection, CBP, which does not view itself as responsible for intelligence gathering and evidence collection. CBP's control has stifled the impact of the Shadow Wolves.

Since the transfer to CBP, the number of drug seizures has noticeably declined. In 2002, before the transfer, the Shadow Wolves interdicted over 93,000 pounds of marijuana. Only two years later, under CBP, only 52,000 pounds of marijuana were seized.

Under CBP, the Shadow Wolves have been hampered by operational restrictions that continuously undermine the unit's unique capabilities. They are now confined to a seven mile grid along the border, which hampers their ability to track smugglers; they were told they can't do undercover work because "the Border Patrol doesn't do that;" and all of the Native American informants on the Reservation are now handled by non-Indian Border Patrol agents.

A unit that once had 21 agents is down to 16 and is under the threat of losing more. Low morale and a lack of respect and purpose under the control of CBP threaten their very existence.

H.R. 5589 would restore the vital role the Shadow Wolves have traditionally played in drug interdiction and combating smugglers along our border. I strongly support this legislation and hope that it will reach President Bush's desk quickly.

IN RECOGNITION OF DR. BEN SMITH'S RETIREMENT FROM LAKELAND BAPTIST CHURCH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. BURGESS. Mr. Speaker, I rise today to commend Dr. Ben Smith for his thirty-two years of service as the pastor of Lakeland Baptist Church in Lewisville, Texas which is my hometown. I am particularly grateful to the service Dr. Smith has provided not only the church but also to those less fortunate in North Texas.

Lakeland has always had a strong emphasis on outreach to the community, and Dr. Smith as sought to strengthen this ministry during his tenure as pastor. He is largely responsible for the congregation's in-depth outreach strategies, such as F.A.I.T.H. Under his leadership Lakeland has grown from less than 200 to over 2,700 members, with 22 full time staff. There have been 14 missions started and of those 7 are now strong churches.

Mr. Speaker, it is with great honor that I stand here today to honor Dr. Ben Smith. He is a strong, moral voice in the community; an actively involved citizen; and a role model to us all. I am proud to serve as his representative in Washington.

HONORING GAY GAMES VII

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize Gay Games VII, which will take place next month in Chicago. On behalf of the people of Chicago I welcome the athletes and spectators from around the world who will participate in this year's games.

The Gay Games will bring nearly 12,000 people together for seven days of celebration and competition in 30 sports, as well as music performances, nightly medal ceremonies, and a week-long arts festival. I am proud that Chicago will serve as the host for this historic event.

In the spirit of participation and inclusion, there are no qualifying events and no minimum or maximum requirements. The games are open to all, regardless of age, ability or sexual orientation.

The Gay Games were founded in 1982 by Dr. Tom Waddell, a 1968 Olympic decathlete. Since its inception, over 50,000 people have participated in the Games. Through the years this event has emphasized global unity and universal participation under the slogan "Where the World Meets."

The City of Chicago is an ideal for these games, with a proud tradition of diversity and a strong gay and lesbian community. From Wrigley Field to Soldier Field, the Windy City is ready to welcome the world on July 15th.

Mr. Speaker, it is with great pride that I honor the Gay Games. I wish all of the participants the best of luck in their respective events, and I thank everyone who has worked to make Gay Games VII a reality.

TRIBUTE TO JUNE ALLYSON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. ENGEL. Mr. Speaker, I rise today to pay honor to June Allyson, an actress and spokeswoman who represented America's image of the ideal sweetheart during her film career in the 1940's and 50's. In addition to her work as an entertainer, Allyson vocally advocated the importance of research concerning various senior health issues.

Born Eleanor Geisman in 1917, she was raised in the Bronx by her mother, who worked two jobs to support her family. At age 8, a tree branch fell on Geisman while she was bicycling, breaking several bones. She was confined to a wheelchair and doctors said she would never walk again. Defying the odds, she fought to regain her health through months of therapy and eventually achieved a full recovery.

Finding her inspiration in Ginger Rogers and Fred Astaire, Geisman auditioned for the Broadway show "Sing out the News." The director not only offered her a part, but gave her a stage name as well: June Allyson. Allyson went on to dance in several musicals, including "Very Warm for May" and "Higher and Higher." Her performance in the 1941's "Best Foot Forward" led to her feature film debut by reprising her role in the MGM musical, which starred Lucille Ball. Allyson's film career consisted mainly of playing the wife of many of Hollywood's leading men, including James Stewart and Van Johnson. Her sunny disposition and youthful optimism particularly resonated with U.S. servicemen overseas, making her an icon for the "ideal girl" to bring home to Mom.

Later in life Allyson worked to raise awareness concerning urological and gynecological diseases in seniors. In appreciation of her efforts, the June Allyson Foundation was formed in partnership with the American Urogynecologic Society as a non-profit research and education foundation. Allyson was also recognized in 1988 when President Reagan appointed her to the Federal Council on Aging, a position she remained extremely proud of for the rest of her life.

June Allyson is a wonderful example of an icon that could both entertain and educate the American people. Her contribution to the film industry will not soon be forgotten, and her devotion to the cause of senior health issues will sorely be missed.

PERSONAL EXPLANATION

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. McHENRY. Mr. Speaker, I would like to submit the following as an extension of my remarks regarding the series of votes for Thursday, June 29, 2006. I was detained from votes due to a scheduled event in my district.

Rollcall votes: No. 350, vote "aye", Previous question on the Rule for H. Res. 895; No. 351, vote "aye", Adoption of the Rule for H. Res. 895; No. 352, vote "aye", Previous question on the Rule for H.R. 4761; No. 353, vote "aye", H. Res. ___ Providing for the adjournment of the House Information Resources; No. 354, vote "no", Markey Amendment; No. 355, vote "no", Bilirakis Amendment; No. 356, vote "aye", Final Passage of H.R. 4761, Deep Ocean Energy Resources Act; and No. 357, vote "aye", Adoption of H. Res. 895, Supporting Terrorist Finance Tracking Program.

DIRECTING SECRETARY OF HOMELAND SECURITY TO TRANSFER FUNCTIONS OF UNIT OPERATING ON THE TOHONO O'ODHAM INDIAN RESERVATION

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2006

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5589. This bill directs the Secretary of Homeland Security to transfer all functions of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation to the United States Immigration and Customs Enforcement.

The Shadow Wolves are a specialized all-Native American unit of the legacy U.S. Customs Service within the Tohono O'odham Indian nation, and they have patrolled 76 miles

of the U.S./Mexico land border in southern Arizona for over 30 years. Their methods of capturing narcotics smugglers combine modern technology and ancient tracking techniques, which have proven to be highly successful.

However, the Shadow Wolves unit's direction was compromised when it was absorbed into the Customs Border Patrol, and its unique identity was threatened. Not only was this action harmful to the security benefits from the Shadow Wolves' connection with the community and the respect of its cultural makeup, it significantly lowered morale within the unit.

This bill would seek to resolve this issue by returning the Shadow Wolves to the United States Immigration and Customs Enforcement. It also includes provisions that would set the Shadow Wolves' pay scale at the same rate as ICE Special Agents and grant the Chief Officer a rank equivalent to a resident agent-in-charge of the ICE Office of Investigations.

This would not only significantly improve moral within the unit but increase the efficiency of the border security within that region. Thus I strongly urge my colleagues to join me in supporting this bill to help continue to protect the security of our borders.

ALZHEIMER'S DISEASE: A LOOMING EPIDEMIC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to call attention to a crucial challenge that our generation will face. In the June 27, 2006 edition of the Washington Post, an opinion editorial titled, "Open the Door to Curing Alzheimer's" by Robert Essner describes the urgency that exists in declaring research on Alzheimer's disease as a top priority for the Food and Drug Administration (FDA). In the meantime, Alzheimer's has been accepted as an inevitable phase of aging. However, this needn't be the case because with enough research, more successful treatment can be discovered, and this research can easily deliver a cure.

However, it is not only the mere personal and emotional burden caused by this degenerative disease that should be of concern to all of us as legislators. This disease will also cause a serious economic drain on our funds. With the baby-boomer generation quickly approaching as a risk group for Alzheimer's, it is estimated that this disease will claim 1 in every 10 people of this sizeable population; that is, about 14 million baby-boomer elders will have Alzheimer's. Essner estimates that with such an immense population of Alzheimer's patients, the costs of care for this disease will "drain—if not bankrupt" the federal and state health care budgets.

Given these approximations, a vast majority of us are at risk for either becoming Alzheimer's patients, caring for one in our immediate family, or at least know a patient in our extended family. The article emphasizes how costly Alzheimer's truly is. Today, a whopping one third of all of Medicare funds are directed towards care for Alzheimer's patients. Last year alone, $91 billion in Medicare dollars was spent on those suffering from this disease. Furthermore, Alzheimer's incurs $19,000 a year in "out-of-pocket" costs for the families of patients.

Therefore, it is crucial that entities from the science, regulatory, and industry fields join forces to work as quickly as possible to thwart this disease and the imminent epidemic that Alzheimer's is bound to cause. If not enough financial support is provided for research and a cure for this possibly avoidable illness, we will continue to risk delaying the discovery of an effective treatment for Alzheimer's and this will potentially adversely impact on millions and millions of people. Essner says it best when he asserts, "we could make my generation the last to dread Alzheimer's," and I believe this is a matter of obligation, not option.

OPEN THE DOOR TO CURING ALZHEIMER'S—WHY THIS RESEARCH MUST BECOME AN URGENT PRIORITY

(By Robert Essner)

JUNE 27, 2006.—America is getting serious about preparing for the possibility of an outbreak of avian flu. Would that it could muster the same sense of urgency for a disease that is already here and is certain to become epidemic. The disease is Alzheimer's. It will claim one in 10 baby boomers, create a personal and fiscal nightmare for their families, and drain—if not bankrupt—state and federal health-care budgets. Medicare now pays one-third of all its health-care funds for some 4.5 million Alzheimer's patients. Are we ready for three times that number?

Alzheimer's doesn't have to be an inevitable part of aging. It is a disease for which research can find a cure, or at least a more effective treatment. In that way, it could be like HIV–AIDS—a disease that, for most sufferers, went from a lethal diagnosis to a treatable chronic condition within six years of its discovery. One breakthrough AIDS drug rapidly led to another, because we mobilized pandemic-strength muscle against it. In addition, the Food and Drug Administration created review and approval processes that helped new therapies for AIDS reach people who needed them years ahead of what would have otherwise been possible.

The FDA now needs to give the same priority status to drugs for Alzheimer's as it has for AIDS and cancer treatments. And, the federal government needs to designate Alzheimer's as a No. 1 research priority.

If we don't do these things, the projections are staggering. Within the next five years, nearly a half-million new Alzheimer's cases will be diagnosed annually, as 78 million baby boomers reach age 65. Given those numbers, most of us will either become an Alzheimer's patient, care for one in our home or know a patient in our extended family. By robbing victims of memory, Alzheimer's strips away individuality, dignity and independence.

Alzheimer's is expensive. It requires $19,000 a year in out-of-pocket costs for each caregiver family. Last year Medicare spent $91 billion for Alzheimer's. That figure will nearly double in just four years—and keep soaring as 14 million cases are diagnosed in boomers' lifetimes.

Within the pharmaceutical industry, there are 28 Alzheimer's compounds in development. But progress on all fronts is unconscionably slow considering the looming shadow of this epidemic. And, given the complexity of the disease, no single research organization has the resources to research all its facets as quickly as we must.

At Wyeth alone, we've committed hundreds of millions of dollars to this research. We are moving in a promising direction by testing eight innovative approaches. Right now no one can say that any one of them will work. But we believe that, through taking multiple "shots on goal" in our research labs, a treatment can be found.

In October 2001 Wyeth started its Alzheimer's research program with a vaccine approach designed to stimulate the body to stop the buildup of beta-amyloid plaque in the brain—thought to be a critical part of the disease process. While that initial effort proved unsuccessful, it did not deter us from moving ahead with another vaccine approach. This new vaccine program is in the clinic. Furthest along in development at Wyeth is a pill—a potent serotonin receptor antagonist that may enhance cognition in moderate cases and significantly enhance the quality of life. Another promising approach is an antibody directed against beta-amyloid. By removing these plaques, we hope to stop the disease from progressing.

But it is imperative for industry, scientists and regulators to work together to help us reach our goal even faster. We need a sense of urgency, a commitment to collaboration that will lead to a concerted, focused effort to prevent this impending epidemic.

A TV journalist who cares for a husband diagnosed with the disease wrote in a recent issue of the scientific journal Alzheimer's & Dementia: "Right now the majority of Alzheimer's victims and their caregivers are our parents. Their plight is our future. . . . We are desperately in need of access to new therapies instead of being left with only agonizing decisions."

For every month we hesitate, we will find ourselves spending down the nation's health-care budget to care for the demise of millions of people. We should be preparing to cure them. We could make my generation the last to dread Alzheimer's. It is time to accelerate the pace of our efforts and take the battle to a level on par with our hope.

THE AMIA BOMBING REMEMBERED

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. CROWLEY. Mr. Speaker, I rise today in commemoration of the 12th anniversary of the Argentine Israelite Mutual Association (AMIA) bombing in Buenos Aires, Argentina. We cannot forget the 86 individuals who were killed and the hundreds who were wounded on July 14, 1994 in a terrorist bombing of the AMIA building.

This largest single incident of terrorism against Jews since World War II was an affront to humanity and the principle of freedom that our country so dearly values. As the home of the largest Jewish community in Latin America, Argentina's Jewish community center was leveled and reduced to rubble along with nearby buildings.

Unfortunately, nobody has yet to be convicted for the bombing although many allegations have been made. It is therefore all the more important that we memorialize this day.

The heinous assault sent shock waves throughout South America, and the international community.

As American citizens we share a common bond with Argentinians as being victims of terror ourselves. September 11 has only reaffirmed that terrorism in any form or any place will not be tolerated. By remembering those whose lives were affected or taken by terror we affirm the value that life and security serves in a functional society.

I commend Congressman TOM LANTOS and Congresswoman ILEANA ROS-LEHTINEN for

their work in commemorating the victims of the AMIA bombing and the individual lives lost to hatred and terror. The Latino and Latin American Institute of the American Jewish Committee deserves much credit and praise for initiating this important remembrance of an attack that affected the international community.

TRIBUTE TO PATRICIA LEWIS OF WORCESTER, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. McGOVERN. Mr. Speaker, it is with great pleasure and pride that I rise today to pay tribute to a long-time friend, Patricia Lewis, or "Patsy," as she is affectionately known in my community. Patsy will be honored in the City of Worcester tonight for her outstanding work and unyielding service to the citizens of Massachusetts and our Nation. For 20 years Patsy has served as the Executive Director of the Worcester Community Action Council, Inc., an agency that was started in 1965 as the locally designated "community action" agency for the Economic Opportunity Act under the Johnson Administration. Today, WCAC serves as an umbrella agency for 25 education and social service programs.

Since her arrival, Patsy devoted most of her time fighting the good fight, serving as an advocate for the poor and the needy with dignity and respect. She and her staff along with the Board of Directors are a force to reckon with in the fight against poverty.

Mr. Speaker, Patsy's list of accomplishments is long. She doubled WCAC's annual budget; added and expanded services into Southern Worcester County; initiated new programs throughout WCAC's service area, including fuel assistance, Head Start, Americorps/Cityworks, Individual Development Accounts and Food Stamp outreach. Today, WCAC serves more than 11,000 households in Central and Southern Worcester County with an emphasis on developing self-sufficiency for low-income families.

Patsy has served on numerous human service organizations, including the Greater Worcester Community Foundation, United Way Women's Initiative, and the YWCA. She has been a joint faculty member of Worcester State College and Clark University. She is an alumna of Manchester College, Ohio State University, and Boston University.

Mr. Speaker, my friend Patsy is an individual who cares about people and I am truly appreciative of the work she has done for the residents of the 3rd Congressional district. As a result of her leadership and vision our community is a better place. For her outstanding service I ask my colleagues in the United States House of Representatives to join me in honoring Patricia "Patsy" Lewis.

WORLD CUP VICTORY OR COLLEGE GRADUATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, with the disappointing ending of the quest for the World Cup through a loss to Ghana last week, I find it appropriate to bring to the attention of Congress an article written by David Brooks, a columnist with the New York Times, entitled "Our World Cup Edge." The article discusses our country's apparent disadvantage in skill and experience in this worldwide soccer competition, but touts the American university system, which produces most of the players on the U.S. team, as being the best.

While the U.S. team unfortunately was eliminated in the first round of the competition, our team can boast having the most college graduates. American athletes go to college to foster their athletic abilities, whereas Europeans are removed from school at a young age and placed in specialized training programs.

The article maintains that the higher level of education American athletes receive helps to boost our economy. American universities greatly contribute to a sense of community. Such a phenomenon dates back to the founding of these schools as autonomous, devoid of government intervention. Such a lack of government involvement allows American universities to remain competitors in the ideas market. By contrast, the European university system is controlled by the government and is therefore not very competitive. European governments encourage equality amongst their universities.

American universities are at the top. As Mr. Brooks cites, not only have our schools fostered strong sports programs, but they also build camaraderie through extracurricular activities. American universities also lead to business and cultural centers, while the European system does not have nearly as large an effect. With globalization, American universities have become increasingly more desirable, further benefiting our society.

I commend Mr. Brooks' analysis of the importance and success of our American universities. However, I would like to push Congress even further in identifying the challenge presented by the need to produce more engineers and scientists in today's increasingly competitive technological age. Our country has done an admirable job in ensuring our universities are the best, but we must continue working to keep up with technology by educating our students in the scientific fields.

I thank Mr. Brooks for his thorough comparison of university systems. I therefore submit for the RECORD Mr. Brooks' column in the June 22nd issue of the New York Times.

[From the New York Times, June 22, 2006]

OUR WORLD CUP EDGE

(By David Brooks)

Going into today's World Cup match against Ghana, no American player has managed to put a ball into the back of the net, but the U.S. team does lead the world in one vital category: college degrees.

Most of the American players attended college. Eddie Pope went to the University of North Carolina, Kasey Keller attended the University of Portland and Marcus Hahnemann went to Seattle Pacific.

Many of the elite players from the rest of the world, on the other hand, were pulled from regular schools at early ages and sent to professional training academies. Among those sharp-elbowed, hypercompetitive Europeans, for example, Zinedine Zidane was playing for A.S. Cannes by age 16, Luis Figo was playing for Sporting Lisbon at 17, and David Beckham attended Tottenham Hotspur's academy and signed with Manchester United as a trainee at 16.

The difference in preparation is probably bad for America's World Cup prospects, but it's good for America's economic and political prospects. That's because the difference in soccer training is part of a bigger phenomenon. American universities play a much broader social role than do universities elsewhere around the world. They not only serve as the training grounds for professional athletes, unthinkable in most other nations, they also contribute more to the cultures and economies around them.

The American university system was born with expansionist genes. As early Americans spread out across the frontier, they created not only new religious sects, but new colleges, too. The Dartmouth College case of 1819 restricted government's efforts to interfere in higher education. As the centuries rolled on, government did more to finance higher education, starting with the Morrill Land Grant College Act of 1862, but the basic autonomy of colleges and universities was preserved. They remained, and remain, spirited competitors in the marketplace of ideas, status, talent and donations.

The European system, by contrast, is state-dominated and uncompetitive. During the 19th century, governments in Spain, France and Germany abolished the universities' medieval privileges of independence. Governments took over funding and control, and imposed radical egalitarian agendas. Universities could not select students on merit, and faculty members became civil servants.

The upshot is that the competitive American universities not only became the best in the world—8 out of the top 10 universities are American—they also remained ambitious and dynamic. They are much more responsive to community needs.

Not only have they created ambitious sports programs to build character among students and a sense of solidarity across the community, they also offer a range of extracurricular activities and student counseling services unmatched anywhere else. While the arts and letters faculties are sometimes politically cloistered, the rest of the university programs are integrated into society, performing an array of social functions.

They serve as business incubation centers (go to Palo Alto). With their cultural and arts programs, they serve as retiree magnets (go to Charlottesville). With their football teams, they bind communities and break down social distinctions (people in Alabama are fiercely loyal to the Crimson Tide, even though most have not actually attended the university).

State-dominated European universities, by contrast, cast much smaller shadows. A Centre for European Reform report noted "a drab uniformity" across the systems. Talented professors leave. Funding lags. Antibusiness snobbery limits entrepreneurial activity. Research suffers. In the first half of the 20th century, 73 percent of Nobel laureates were based in Europe. Between 1995 and 2004, 19 percent were.

The two systems offer a textbook lesson in how to and how not to use government. In one system, the state supports local autonomy and private creativity. In the other, the state tries to equalize, but merely ends up centralizing and stultifying. This contrast might be worth dwelling upon as we contemplate health care reform, K–12 education reform and anything else government might touch.

The dynamic American university system is now undergoing yet another revolution—globalization. More foreign students are coming to the U.S., and more want to stay after they get their degrees.

This is bound to be great for American society. It will probably do almost nothing for our future World Cup prospects.

HONORING DR. GILBERT R. MASON, ACTIVIST AND PHYSICIAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of an African-American unsung hero, Dr. Gilbert R. Mason, a civil rights activist and family physician, who made waves on the Mississippi Gulf Coast to eliminate racial discrimination in the state.

Dr. Mason was born in Jackson, MS, on October 7, 1928. He earned his B.S. degree from Tennessee State University in 1949 and his M.D. from Howard University Medical School in 1954. In 1955, Dr. Mason moved to Biloxi, MS, where he started his family practice and shortly thereafter began to challenge racial boundaries. He contested and protested the ''whites only'' section of Federally funded Gulf Coast beaches by leading a nonviolent ''wade in''.

Jim Crow laws and intimidation tactics hindered and denied blacks the right to beaches, hotels, schools, restaurants, and jobs that whites enjoyed. Dr. Mason confronted racial injustices, and his commitment to civil rights spearheaded a movement in one of the first areas of the Magnolia State to see organized direct action. On April 17, 1960, Dr. Mason took a solitary swim at the ''whites only'' beach and was arrested. Hearing of his arrest, the following Sunday, student volunteers were outraged and joined in the ''wade in''. Dr. Mason and others were met by Klansmen and angry mobs that attacked them with chains, iron pipes and whatever else they could grab while burning wooden crosses. The ''wade-ins'' eventually led to one of the bloodiest riots in Mississippi's history.

Dr. Mason successfully filed the first anti-discrimination lawsuit against the State of Mississippi and school desegregation lawsuit in the history of Biloxi.

Dr. Gilbert R. Mason collaborated with the Mississippi NAACP to create a stance for civil rights partnering with CORE, SNCC, and SCLC. Dr. Mason worked closely with Medgar Evers, NAACP field secretary until he was gunned down in front of his home in 1963, fighting racial discrimination and championing equality for all mankind.

In 1970, he became the first African American to be admitted to the Mississippi Academy of Family Physicians. In 1992, he helped Harrison County elect its first African American and female supervisor. In 1998, he published a book detailing the struggle in, ''Beaches, Blood and Ballots: A Black Doctor's Civil Rights Struggles''.

The wave Dr. Gilbert Mason began on the coast of Mississippi will never be forgotten. Please join me today in honoring a true civil rights pioneer, Dr. Gilbert R. Mason.

DEEP OCEAN ENERGY RESOURCES ACT OF 2006

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2006

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4761) to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes:

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in strong opposition to the Deep Ocean Energy Resources Act (H.R. 4761). The ''DOER'' Act is yet another lost opportunity to develop real solutions to our energy challenges and a reckless raid on the Federal Treasury that even the Bush Administration opposes.

The DOER Act will repeal a 25-year, bipartisan moratorium on oil and gas drilling off most of the U.S. coastline. In place of the moratorium, a weak system of protections will be established that allows individual states to sanction drilling within 100 miles of their shores. To entice states to permit drilling, the bill increases states' share of drilling royalties from the current ceiling of 27 percent to 64 percent.

Bush administration officials released a statement today strongly opposing the revenue-sharing provisions of the bill, which are expected to add several hundred billion dollars to the federal deficit over the next 60 years. The diversion of more drilling royalties to states is a transparent, irresponsible ploy that will cost the government billions. But Republican leaders are so unconcerned about runaway federal deficits they decided to waive the rules of the Congressional Budget Act that are supposed to protect taxpayers from deficit spending.

While the bill's proponents argue this revenue-sharing arrangement is a matter of states' rights, the language of H.R. 4761 actually gives the administration enormous new powers over states. The bill limits states' ability to block pipeline construction and to review oil drilling activities once drilling is allowed. H.R. 4761 also allows the Secretary of the Interior to threaten states with a loss of funding if Congress passes legislation restricting oil drilling in any way. And, by rolling back environmental reviews and mitigation responsibilities for oil companies, the bill imposes hidden costs on states and their tourism industries, which will be left with the tab for drilling-related mishaps.

The Republicans declared this week ''Energy Week'' in the House and then moved one bill, H.R. 4761 to the floor. This legislation, apparently the Republicans' solution to America's complex energy challenges, includes no new incentives for energy conservation, no increases in fuel efficiency, no new support for mass transit and no boost for home-grown renewable energy technologies such as biofuels or wind energy. This bill falls far short of the bold, comprehensive energy policy America so urgently needs. Only House Republican leaders could call a bill that balloons the federal deficit, undermines states' rights, rolls back environmental protections and fails to reduce demand for fossil fuels a ''commonsense compromise.'' It's time to hold a funeral for common sense.

WORLD PEACE THROUGH WORLD LAW

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to a truly remarkable man, Mr. Louis B. Sohn passionate supporter of the United Nations, Mr. Sohn has made a significant mark on both our country and the world. On June 7 at his home in Falls Church, Virginia, we lost Mr. Sohn to complications of a stroke. He was 92 years old.

Born March 1, 1914, right at the start of World War I, in Lwow, Poland, Louis showed tremendous passion right from the beginning. He earned both his undergraduate and law degrees from John Casimir University. A mere two weeks before the invasion of Poland during World War II, a Harvard law professor who had been impressed by Mr. Sohn's treatises, invited him to be a research fellow at Harvard School of Law. Soon after his arrival, he met Betty Mayo, who became his wife and is now his only survivor.

Serving as an assistant to Manley O. Hudson, a Harvard Law professor and a judge on the Permanent Court of International Justice at the Hague, Mr. Sohn traveled to San Francisco for the United Nations charter conference. With his help, the International Court of Justice was established. Then when Mr. Hudson retired as the Bemis Professor of International Law at Harvard, Louis Sohn was awarded the honor.

Professor Sohn was well known for his book ''World Peace Through World Law,'' which he co-authored with Grenville Clark, a prominent Wall Street attorney. Their book delved into various proposals to transform the U.N. into a world government.

Throughout his 50 year career in the field of law, which culminated at the University of Georgia School of Law, Professor Sohn was a champion for disarmament and the creation of a permanent U.N. peace force. He hoped that through such a peace force, the U.N. could use their military budget alternatively to relieve poverty. Mr. Sohn commendably spent his life working hard for a more powerful United Nations.

I enter into the RECORD an article published in the New York Times on June 23, 2006 titled ''Louis B. Sohn, Passionate Supporter of the U.N., Dies at 92.'' The article provides a more in depth commentary of Professor Sohn's esteemed accomplishments. He is a truly remarkable man who has left an everlasting imprint on society. We must keep his legacy alive and continue to fight for disarmament and human rights.

[From the New York Times, June 23, 2006]

LOUIS B. SOHN, PASSIONATE SUPPORTER OF THE U.N., DIES AT 92

(By Dennis Hevesi)

Louis B. Sohn, a professor of international law who helped draft parts of the United Nations Charter in 1945 and was a leader in subsequent efforts to turn the United Nations into a true world government, died on June 7 at his home in Falls Church, Va. He was 92.

The cause was complications of a stroke, said Paige Otwell, a friend.

For nearly 50 years, while at the Harvard School of Law and then the University of Georgia School of Law, Professor Sohn served on commissions and organized conferences around the world, championing disarmament, human rights and increased powers for the United Nations.

He called for the creation of a permanent United Nations peace force. He wanted nations with nuclear arsenals to hand them over to the United Nations and use their military budgets for relieving poverty. He campaigned to have the 1948 United Nations Declaration of Human Rights accepted as a legally binding document, rather than a statement of principles. In 1968, the General Assembly adopted that premise.

Those proposals and others were seized upon by American isolationists to attack the United Nations. Professor Sohn called them ''the minimum requirements for peace, not a utopian scheme for a perfect world community.''

Louis Bruno Sohn was born on March 1, 1914, in what was then Lwow, now Lviv, then part of Poland but now in Ukraine. He graduated from John Casimir University there and then earned a law degree in 1939.

Professor Sohn's parents, Isaak and Fredericka Sohn, were doctors. His father, taken to an internment camp after the invasion of Poland, barely survived World War II. His mother died of pneumonia that first winter.

Two weeks before the invasion, at the invitation of a Harvard law professor who read one of his legal treatises, Professor Sohn had boarded a ship to the United States to become a research fellow. In 1941, he married Betty Mayo, a Radcliffe student; she is his only survivor.

At Harvard, he became an assistant to Manley O. Hudson, a judge on the Permanent Court of International Justice at the Hague, which was established by the League of Nations but suspended during the war. Judge Hudson was the Bemis Professor of International Law at Harvard. Professor Sohn succeeded to the Bemis chair in 1961 and held it until 1981.

In the summer of 1945, Judge Hudson and his assistant traveled to San Francisco for the United Nations charter conference. There, they helped draft the statute establishing the International Court of Justice, or World Court, as the successor to the Permanent Court of International Justice.

In an interview in 1977, Professor Sohn recalled how Harvard had asked him to teach a course on the United Nations after his return from the charter conference, ''because nobody else would teach anything so crazy.''

In 1958, Professor Sohn was a co-author, with Grenville Clark, of ''World Peace Through World Law'' (Harvard University Press), which examined proposals to transform the United Nations into a world government. The book envisioned a time when the United Nations budget, then $55 million, would surpass $35 billion, with $25 billion set aside to mitigate ''the worst economic disparities between nations.''

The authors also called for the elimination of all armaments in 12 years and envisioned that the United Nations would then have a monopoly on military force and would maintain a peace force of 400,000 soldiers.

In 1967, Professor Sohn wrote a report for a committee of international law experts, urging the United Nations to study the threat to individual freedom posed by computers, eavesdropping devices and genetic engineering. The report, submitted to the United Nations as part of the 20th anniversary of the Universal Declaration of Human Rights, said the concept of national data banks ''raises the specter of a government which knows all.''

''Arrangements have to be devised,'' it said, ''to control the precious few who run the machines, and on whose wisdom and impartiality the fate of mankind may depend.''

In 1977, Professor Sohn was a delegate to a United Nations-sponsored conference that drafted the Convention on the Law of the Sea, which the General Assembly adopted in 1982.

In 1981, after 35 years at Harvard, Professor Sohn accepted an invitation from Dean Rusk, who had been secretary of state under President John F. Kennedy, to join him in teaching international law at the University of Georgia.

TRIBUTE TO THOSE KILLED BY BOMB ATTACKS ON INDIAN COMMUTER TRAINS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. HOLT. Mr. Speaker, I rise today to express my condolences to the families of those who were killed in today's terrible bomb attacks on several Indian commuter trains. Reports indicate that these deadly attacks have claimed the lives of at least 135 people and injured more than 250 Indian citizens. My thoughts and prayers and those of many Americans are with the families of those affected. These attacks were perpetrated for an unknown reason but, of course, there can be no good reason or justification. I hope that United States officials will assist the Indian Government in tracking down those who are responsible.

It was just over a year ago that a deadly terrorist bombing shut down London's transportation system. In March of 2004, similar bombing attacks ripped apart the morning commute in Madrid, killing 192 innocent civilians. We have been fortunate in the United States not to experience similar terrorist attacks on our railways. We must not be lulled, however. It is long past time to take the steps necessary to keep the traveling public as safe as possible.

In this moment of grief, we must stand with our longtime friend and support her and all the Indian people.

WAR RESISTER NORMA BECKER FOUGHT FOR PEACE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to a truly outstanding woman, Ms. Norma Becker. A teacher, civil rights activist, and promoter of peace, Norma touched the lives of everyone who came in contact with her. On June 17, 2006, at the age of 76, we lost Ms. Becker to lung cancer.

Norma Becker started out her tremendous career as a schoolteacher in New York City. However, she soon moved to the South to teach, after hearing about Birmingham, AL, Sheriff ''Bull'' Connor's use of dogs against civil rights protesters. During that time, Norma could not help but feel the growing anti-Vietnam war sentiment that surrounded her. But instead of idly watching others, Ms. Becker took some of the biggest steps a single person could. She helped to start the Peace Parade Committee, a peace protesting movement in New York City.

Norma's efforts did not die with the Vietnam war, but rather her energy and intensity rose. In 1977, she helped create the Mobilization for Survival, which helped to bridge the broad antiwar movement with the intensifying antinuclear power sentiment.

However, Norma's favorite endeavor was the War Resisters League, of which she served as chairwoman from 1977 to 1983. Staff members of the league have praised Ms. Becker for her outstanding leadership. Others commended her always present energy. She had an innate ability to work well with everyone.

Peace activists across the country are devastated by this loss. But Norma's spirit remains with us and encourages us to continue the fight for peace. I enter into the RECORD with pleasure a piece by the War Resisters League as a reminder of the tremendous impact Norma Becker has had on our country. It is critical that we keep her memory alive so that many generations to come will know who Ms. Becker was as well as all the great things she accomplished. She set an example that we should all be proud to mimic.

ANTIWAR LEADER NORMA BECKER DIES

Norma Becker, teacher, civil rights activist, and towering figure of the peace movement during the Vietnam War, died of lung cancer in her New York City home June 17. She was 76.

A founder of the Fifth Avenue Vietnam Peace Parade Committee, which drew tens of thousands to protest the Vietnam War, and a founder of the Mobilization for Survival coalition, she was crucial to the antiwar movement. She served as chair of the pacifist War Resisters League from 1977 to 1983.

''One of the truly great has passed,'' said longtime War Resisters League staffer David McReynolds on hearing of her death. ''As much as any, and more than most, she provided leadership in hard times and for the long and horrific years of [the Vietnam] conflict.''

Becker was a New York City schoolteacher in 1963, when, as she said later, she was ''recruited into the civil rights movement by Sheriff 'Bull' Connor of Birmingham [AL].'' Appalled by media accounts of Connor's use of dogs to subdue civil rights demonstrators, Becker went South to teach in the summer Freedom Schools.

Over the next couple of years, Becker—and the burgeoning movement against the war in Vietnam—found that she was as gifted an organizer as she was a teacher. In 1965, she helped to start the Peace Parade Committee, which organized massive antiwar protests in New York City. Wendy Schwartz, a younger WRL activist who came to the antiwar movement during those years, adds, ''It was Norma's energy, intelligence, and charm that helped make those demonstrations so large and so peaceful. She worked as well with the disparate peace movement factions as she did with the police.''

In 1977, after the Vietnam War had ended, Becker helped create the Mobilization for Survival, which linked the emerging movement against nuclear power to opponents of nuclear weapons and the wider antiwar movement.

But whatever other organizations she worked with, Becker also remained involved with the War Resisters League. Only a week

before she died, at the annual WRL dinner, the organization paid tribute to Becker's profound influence on the struggle for peace. WRL and peace activists across the country mourn her loss and send condolences to her daughter and son-in-law, Diane and Stephen Tosh, her daughter-in-law Anita Becker, and her four grandchildren, Sarah, Nicholas, and Katrina Tosh and Alicia Becker.

A TRIBUTE TO REVEREND WILLIAM J. SHAW

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to an enduring and rightfully honorable man, Dr. William J. Shaw. His dedication as pastor to the White Rock Baptist Church has provided the community with exemplary guidance for 50 years. His commitment to preaching is recognized both nationally and internationally.

Reverend Dr. Shaw will be honored as a true Living Legend July 2006 in Dallas, TX, by The E.K. Bailey Ministry. A well-respected pastor and family man, Dr. Shaw has most recently been a recipient of the Unitas Award given by Union Theological Seminary and the T.B. Maston Foundation Christian Ethics Award given by Southwestern Baptist Theological Seminary.

The Reverend has continually provided outstanding leadership with consistent community involvement throughout his lifetime. A native Texan, Dr. Shaw was baptized by the age of seven. He gave his first sermon at the youthful age of 11 and was ordained as a Pastor of the Oak Hill Baptist Church in Texas by the age of 17.

Presently, Dr. Shaw is serving a second term as President of the National Baptist Convention, USA, Inc. In addition, he has served on a multitude of boards, allowing him to guide the convention's efforts.

On behalf of the Dallas, TX, community, I commend the Reverend's many years of exceptional service.

ECONOMIC REVIVAL OF FLUSHING: ALL DUE TO IMMIGRANTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to introduce an article titled Changing Face of Queens: From Small Asian Shops to High-End Stores from the June 28 edition of the New York Times. The article, by Alison Gregor, describes the economic development of Flushing and the large-scale mixed use condominiums that are being built in the area. It is evident that ethnic tradition and culture are the driving force behind these developments.

There is a huge Asian population in Flushing that has disposable income that is currently shopping in Manhattan or even in Manhasset on Long Island. The retail potential of the neighborhood has attracted commercial developers and big-name businesses. The presence of the thriving immigrant community is the lure that is drawing the developers and spurring the revival of the desolate West Flushing neighborhood.

In fact, Queens Crossing, a 12-story office condominium project, is being built by Mr. Michael Lee, president and CEO of TDC Development L.L.C. and a longstanding resident. With the added convenience that Flushing has to offer, Queens Crossing is going to be a destination for shopping, food, entertainment, education, medical and business services. Queens Crossing is only the first in the line of many development projects that are going on in Flushing. The Flushing Commons, under the direction of TDC Development and the Rockefeller Development Corporation, an even more ambitious project, is expected to be completed in about four years. Lastly there is the Flushing Town Center of the Muss Development Company, the largest mixed-use development project in New York City.

The United Nations has recently reported on the beneficial effects of the immigrant population to their newly adopted countries. The renewal of Flushing is a real example of such an effect, repeating what the immigrants are doing to all our New York City to improve our communities. We are experiencing a wonderful revitalization of New York City because of our traditional role as a welcoming city for the pursuit of the American dream.

I wish to draw the attentions of my colleagues to the redevelopment of Flushing neighborhoods and remember the positive aspects of immigration.

CHANGING FACE OF QUEENS: FROM SMALL ASIAN SHOPS TO HIGH-END STORES

(By Alison Gregor)

If you're looking for cafes serving bubble tea or herbalists offering dried lotus blossoms or purveyors of waving-cat trinkets, downtown Flushing, the city's second-biggest Chinatown and the largest urban center in Queens, has them in large quantity. But in the next few years, the area may also welcome a host of more mainstream retailers.

Almost 1.3 million square feet of retail space is planned in at least three major mixed-use developments—about the same area as at the renowned Mall at Short Hills in New Jersey—and a few hundred thousand feet of office space is also being developed. The first new stores are to open by the end of this year.

Flushing is already a pan-Asian enclave that is a first stop for many immigrants from China, Korea and Malaysia, among other countries.

Developers are hoping it will soon be a stop for American shoppers. ''You have to make this area a destination,'' said Michael Meyer, president of TDC Development L.L.C., which is involved in two of the mixed-use projects.

Mr. Meyer is relatively new to the community. But the chairman and chief executive of TDC, Michael Lee, an immigrant from Taiwan, arrived in Flushing two decades ago and has purchased a substantial portion of the area's properties. TDC is a subsidiary of the F&T Group, a real estate company.

Mr. Lee owns the Flushing Mall, a longstanding collection of boutique shops and restaurants on 39th Avenue, where signs are in Chinese and Korean. He also developed the nearby Prince Center in 2003; it is a complex of ground-floor retail space, now full of restaurants, and office condominiums that netted about $500 a square foot.

Office condos are fairly unusual for New York City, but the market is receptive in Flushing. ''What drives a lot of this is the whole ethnic tradition and culture; the Chinese mentality is very much an ownership mentality,'' Mr. Meyer said.

Mr. Lee is building another office condominium project: Queens Crossing, a 12-story building being framed at the corner of Main Street, Flushing's main shopping artery, and 39th Avenue. It will have 190,000 square feet of office space in about 80 office condominiums, and 86,000 square feet of parking.

The building has a waiting list of more than 200 businesses, Mr. Meyer claimed. ''Queens Crossing sales, on a net square footage basis, are now estimated at $750,'' he said.

The development will also have about 110,000 square feet of retail space, which has not yet been leased. It will open by the end of this year. ''We're looking for mainstream retailers like bookstores and health clubs and restaurants and apparel stores,'' Mr. Meyer said.

But Queens Crossing would be dwarfed by another proposed development a block away called Flushing Commons, which envisions having a total of almost two million square feet. Flushing Commons is expected to be completed in about four years on the site of a municipal parking lot that now has space for about 1,100 vehicles.

That development, with 500 residential units and about 350,000 square feet of retail space, will aim to attract more upscale retailers than currently operate in Flushing. While the city has given approval to the general concept of this project, it is still going through public hearings.

Thus far, the developers of Flushing Commons—Mr. Lee and a partner, the Rockefeller Development Corporation—envision that much of the retail space will be used by a multiscreen cinema, a national-chain bookstore and a supermarket like Whole Foods, along with some smaller stores. Roughly 15,000 square feet of space dedicated to office condominiums is being envisioned for professionals like doctors and lawyers.

Flushing Commons will also include a 200-room hotel, where developers would like to see a Westin, Mr. Meyer said.

Alan L. Stein, a senior vice president at Rockefeller, said the developers, which won a bid to develop the city-owned property a year ago, had promised not to introduce any ''big box'' stores into the complex.

Robin Abrams, an executive vice president of the Lansco Corporation, a commercial real estate brokerage firm that consulted on the project, said she envisioned retailers like Scoop, Cole Haan and Sephora setting up shop in the development.

Stores like those ''are all over Manhattan, but don't have a presence in Flushing,'' Ms. Abrams said. ''Frankly, the thought is there's a huge Asian population that has disposable income that is currently shopping in Manhattan or even in Manhasset'' on Long Island.

Mr. Meyer said that some retailers might be intimidated by the ethnic nature of the market, but that the developers believed they could convince them that they had nothing to fear.

Also, retailers that already have outlets in Asia would be comfortable in downtown Flushing, said Josh Segal, owner of the Segal Realty Group, a commercial real estate firm that also consulted on Flushing Commons. ''It's like Shanghai on the Flushing River,'' he said.

Already going in alongside the Flushing River is one of the largest mixed-use developments. The Muss Development Company is building 1,000 residential units in several towers on a 14-acre site. The $800 million project will also include an 800,000 square-foot shopping center anchored by national retailers.

The first phase of the project will not be completed until 2008 at the earliest, said Jim Jarosik, a senior vice president at Muss.

Flushing residents are watching the explosion of commercial development closely. Real estate professionals say Home Depot and Target are rumored to be anchor tenants at the Muss project, which is called Flushing Town Center, although the developer would not identify the stores it was negotiating with.

Some Flushing residents say they believe that if retailers of that sort go into the development, there may be traffic backups along Roosevelt Avenue, said Chuck Apelian, vice chairman of Community Board 7, which represents downtown Flushing.

Downtown Flushing, a transportation hub that has 24 bus lines and the terminus of the No. 7 subway, is an area that is used by nearly 100,000 commuters daily, according to the Downtown Flushing Transit Hub Business Improvement District, and has become synonymous with traffic congestion. A group called Save Our Flushing Community has formed to protest the Flushing Commons project. Others maintain that additional traffic snarls would not hurt business.

Even if retail rents head far north of the $100 a square foot paid at certain locations on Main Street, the owner of Pho Vietnamese on Prince Street, Tai Ma, who has lived and worked in Flushing for 29 years, said he welcomed the new commercial development. ''The rent here is going high anyway,'' he said. ''If you want to develop Flushing, you need something big.''

HONORING CAPTAIN JAMES MAES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, on Friday, July 14, 2006 the Coast Guard Sector Miami will be holding a Change of Command ceremony. The event will also be the retirement ceremony for Captain James Maes who will be retiring after 26 years of distinguished service in the United States Coast Guard. The Coast Guard represents the best in public service and selfless sacrifice for our fellow Americans, and I am proud to be a strong supporter of the Coast Guard's vital missions.

An occasion such as this serves to remind us of the important role the Coast Guard serves in defending our national security, ensuring public safety, facilitating commerce, and protecting the environment. Many have contributed for the benefit of protecting our shores, for the safety of those who travel to and from our coastlines, and for the general support our law enforcement and maritime communities gain from key cooperation with the Coast Guard.

Coast Guard Sector Miami is the first Sector in the history of the Coast Guard. It was established in Miami Beach on July 12, 2004. Sector Miami is one of the busiest and most dynamic operational units in the Coast Guard. The 650 active duty, reserve and civilian, men and women, and 1000 Auxiliary volunteers who make up Sector Miami continue in the long tradition of dedicated service in South Florida. That tradition dates back to 1876 when the U.S. Lifesaving Service established the Biscayne House of Refuge at a location near what is now 72nd and Collins on Miami Beach.

Under Captain Maes' leadership, Coast Guard Sector Miami units saved hundreds of lives, and seized thousands of pounds of illicit drugs. Sector Miami implemented and enforced new port security requirements under the Maritime Transportation Security Act of 2002, the most sweeping regulatory changes for the Coast Guard since World War II. He fully integrated the Coast Guard into regional security operations during the Free Trade Area of the Americas in 2003, and the Organization of American States General Assembly in 2005. Captain Maes was the incident commander for rescue and recovery operations after the tragic Chalk's Flight 101 crash, the largest loss of life aviation disaster in the United States since 9/11. During the devastating 2004 and 2005 hurricane seasons, Coast Guard Sector Miami made critical decisions to restore essential ports for commercial traffic, and open waterways for recreational boaters, as quickly and safely as possible.

That is why I am pleased to call myself a supporter of the United States Coast Guard. I congratulate Captain Maes on his distinguished service, particularly the past 3 years in South Florida where he will leave a legacy of trust and cooperation among federal, state, local, volunteer, and marine industry partners. I would also like to welcome Captain Karl Schultz and look forward to the continued success of Sector Miami.

IN TRIBUTE TO ANNE FORRESTER, ACTIVIST AND AMBASSADOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Anne Forrester, a tireless advocate who gave her life so that others could understand and appreciate the freedoms we exercise daily in America. Ambassador Anne Forrester, who served our Nation as head of the office of Ambassador Andrew Young in the Department of State and then as Ambassador to Mali during the administration of Jimmy Carter, succumbed to pancreatic cancer on June 23, 2006 at her home in New York City. She was memorialized at a service at the National Cathedral in Washington on Saturday, July 8, 2006. A woman of sound moral character and grace, Anne Forrester lived for others and irreversibly changed everyone she met.

Born in Philadelphia in 1941, to a widowed social worker in a country very divided among race lines, Mrs. Forrester knew from experience what it felt to be denied, pushed aside and undervalued. She was a woman, a colored woman with an intellect and courage that extended beyond her small delicate frame. However, despite all of these challenges, she became a pioneer being among one of the first African American women appointed to serve as a United States Ambassador.

Mrs. Forrester is noted not only as one of the first African American women appointed to ambassadorship in 1979 by President Jimmy Carter to Mali but for her contributions to the great movements of the 1960s and 1970s, the struggle for the attainment of civil rights and the resistance to the folly of our engagement in Vietnam. She channeled her displeasure with America's domestic policies to produce change in government through direct action. Later in her career, Anne became the staff director of the House Foreign Affairs subcommittee on Africa. Her desire to share the hard-won freedoms gained by blacks in America with those in Africa laid the groundwork for a career of service to the people of Africa which replicated her commitment to equality and justice for Blacks in the U.S.

Mrs. Forrester had a special relationship with the continent of Africa. As a young child, she vividly recalled various pleas from missionaries in her church describing a world and place she would later explain and describe in her own words and from her own personal experience. As a student in Bennington College in Vermont, Mrs. Forrester in 1962 made her first trip to Africa, traveling to Uganda with a summer cultural exchange program. She later earned her Masters Degree in African Studies from Howard University in 1968 and her Ph.D from the Union Institute & University in Cincinnati in 1975.

Ambassador Forrester served as a Resident Representative of the United Nations Development Program (UNDP). Her work for the U.N. was exemplary, exhibiting the true qualities of a humble yet determined civil servant. As an official observer for the U.N., Mrs. Forrester traveled abroad to a variety of locales. Also as a mother and advocate for reform and peace, Mrs. Forrester was a doer whose work in the U.N.'s regional bureau for Africa under Ellen Johnson-Sirleaf, now President of Liberia and as a guest scholar at the Smithsonian Institution's Woodrow Wilson International Center for Scholars garnered a lot of praise and attention.

We all mourn the loss of such a true pioneer, who took positions and voiced her opinion at times when voices of opposition were not welcomed. What I hope people will gain from her life is that anything is truly possible and that you can aspire to achieve no matter how dire the situation or circumstances. Her selfless acts should be remembered and praised.

I enter into the CONGRESSIONAL RECORD to illustrate to my colleagues Anne's special qualities the obituary published in the Post on July 3, 2006 which provides an insight into Anne Forrester's humanitarian efforts and accomplishments. She has truly left her mark on our society and she will always be remembered for that. We must keep her memory alive in our hearts and minds so that generations after us will know who she was and what she did. One will not be able to speak about the progress made in the struggle of people of color during the 1960's and 1970's for civil rights and equality of opportunity in the U.S. and for self determination and freedom in Africa and the Caribbean without bringing up her name, for she has without a doubt made great contributions to both areas.

[From the Washington Post, July 3, 2006]

ANNE FORRESTER, AMBASSADOR TO MALI

(By Patricia Sullivan)

Anne Forrester, 65, former ambassador to Mali who had an abiding professional interest in Africa and the African diaspora, died of pancreatic cancer June 23 at her home in New York City.

Ms. Forrester was appointed to the ambassadorship in 1979 by President Jimmy Carter and was one of the first African American women to hold the post. A scholar and activist in the 1960s, she made the transition into a position of power in government and diplomacy.

''What I represent is the generation that learned traditional values in the 1950s, was

cast into turbulent changes in the 1960s, learned a new vocabulary and had to integrate the changes,'' she told The Washington Post in 1979.

Ms. Forrester served as ambassador until 1981, then returned to Washington to work as staff director for the House Foreign Affairs subcommittee on Africa, where she laid the groundwork for the anti-apartheid bill that passed Congress in 1986.

She helped Randall Robinson as he launched the TransAfrica Forum, which lobbies on African issues. Ms. Forrester joined the United Nations staff in 1985, a decade after working as staff director for Andrew Young at the State Department, when he was the U.S. ambassador to the United Nations.

A small, delicate woman who joked about her reputation as a forceful advocate, Ms. Forrester carried memories of segregation and civil rights fights with her into the rulebound world of diplomacy. Born in Philadelphia to a widowed social worker, she attended public schools and remembered sitting in Philadelphia's historic St. Thomas Episcopal Church, listening to the pleas for missionaries in Africa.

''Knowledge of Africa, from a positive and enriching approach, was very evident in our home,'' she said.

She was bright and left home early to attend the majority-white Northfield Mount Hermon School in Massachusetts. She also graduated from Bennington College in Vermont.

In 1962, she made her first trip to Africa, traveling to Uganda with a summer cultural-exchange program, Operation Crossroads Africa. She taught at her old prep school for a few years, then, seeking an experience in a majority-black environment, moved to Washington to work on a master's degree in African studies at Howard University, which she received in 1968.

She met and married Marvin Holloway, and they became involved in Washington's Drum and Spear Bookstore and Press, a center of black nationalist activism.

During this period, she directed the Black Student Fund; worked part time for Young, then a Democratic member of the House from Georgia; started her doctoral work that culminated in a 1975 degree from Union Institute & University in Cincinnati; was an official observer at a U.N. conference; and traveled abroad a couple of times, all while her twin girls were going through their ''terrible twos.''

She ran Young's State Department office when he was the U.N. ambassador, successfully finding her way through the labyrinths of Foggy Bottom diplomacy. After her ambassadorship and work on Capitol Hill, she became a guest scholar at the Smithsonian Institution's Woodrow Wilson International Center for Scholars and an adjunct professor in the African studies department at Georgetown University.

Her work for the U.N. Development Program took her to Lesotho and Ghana and later to Barbados and the eastern Caribbean. She worked in the U.N. regional bureau for Africa under Ellen Johnson-Sirleaf, now president of Liberia. Ms. Forrester became a senior adviser to the administrator in charge of launching the U.N. Foundation and in her first year raised $20 million.

Ms. Forrester retired from the United Nations in October 2001 but continued to work as senior policy adviser on Africa, Afghanistan and HIV–AIDS matters for Rep. Juanita Millender-McDonald (D–Calif.) for a year. She returned to New York and continued to work as an international consultant on African and Caribbean development issues.

Her marriage ended in divorce.

Survivors include two daughters, Camara Holloway of New York and Kandia Holloway of Charlotte, N.C.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7289–S7360

Measures Introduced: Eight bills were introduced, as follows: S. 3631–3638. **Page S7331**

Measures Passed:

National Audubon Society: Senate agreed to S. Res. 301, commemorating the 100th anniversary of the National Audubon Society. **Page S7357**

Captive Primate Safety Act: Senate passed S. 1509, to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species. **Pages S7357–58**

Ed Fountain Park Expansion Act: Senate passed S. 2041, to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada. **Page S7358**

Great Lakes Fish and Wildlife Restoration Act: Senate passed S. 2430, to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study, after agreeing to the committee amendment in the nature of a substitute. **Pages S7358–59**

Free Newspaper Access for Disabled Persons: Committee on Rules and Administration was discharged from further consideration of S. 2918, to provide access to newspapers for blind or other persons with disabilities. **Pages S7359–60**

VA Department Ceremony: Senate agreed to H. Con. Res. 427, permitting the use of the rotunda of the Capitol for a ceremony to commemorate the 75th anniversary of the establishment of the Department of Veterans Affairs. **Page S7360**

Homeland Security Appropriations: Senate continued consideration of H.R. 5441, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, taking action on the following amendments proposed thereto: **Pages S7293–S7305, S7306–28**

Adopted:

By 68 yeas to 32 nays (Vote No.191), Vitter Modified Amendment No. 4548, to prohibit the United States Customs and Border Protection from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug. **Pages S7295–S7305**

Byrd Amendment No. 4557, to provide additional resources for border infrastructure and program integrity. **Pages S7306–07**

Byrd Amendment No. 4559, to provide additional funding for port security enhancements in fiscal year 2006. **Pages S7307–09**

Gregg (for Salazar) Modified Amendment No. 4555, to require the Secretary of Homeland Security to prepare a report on activities to ensure that the agriculture quarantine inspection monitoring program of the Animal and Plant Health Inspection Service is operating effectively and to ensure that States are receiving adequate guidance. **Page S7316**

By 87 yeas to 11 nays (Vote No. 192), Collins Amendment No. 4560, to amend the Homeland Security Act of 2002 to establish the United States Emergency Management Authority. **Pages S7309–16, S7318–20, S7325–26**

Gregg/Byrd Amendment No. 4579, to require the Secretary of Homeland Security to revise Management Directive 11056 to provide for the treatment of certain sensitive security information. **Pages S7327–28**

Rejected:

By 32 yeas to 66 nays (Vote No. 193), Akaka (for Clinton) Amendment No. 4563, to establish the Federal Emergency Management Agency as an independent agency. **Pages S7320–25, S7326**

Pending:

Feinstein Amendment No. 4556, to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or, with reckless disregard, permitting the construction or use on one's land, of a tunnel or subterranean passageway between the United States and another country and to direct the United States Sentencing Commission to modify the sentencing guidelines to account for such prohibition. **Pages S7316–18**

Cornyn Amendment No. 4577 (to Amendment No. 4556), to provide for immigration injunction reform. **Pages S7326–27**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, July 12, 2006. **Page S7360**

Appointments:

U.S. Merchant Marine Academy: The Chair, on behalf of the Chairman of the Committee on Commerce, Science, and Transportation, and pursuant to Title 46, Section 1295 b(h), of the U.S. Code, appointed the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: Senators Lott and Inouye, both from the Committee on Commerce, Science, and Transportation. **Page S7360**

Messages From the House: **Page S7330**

Measures Referred: **Pages S7330–31**

Measures Read First Time: **Page S7331**

Executive Communications: **Page S7331**

Additional Cosponsors: **Pages S7331–33**

Statements on Introduced Bills/Resolutions: **Pages S7333–38**

Additional Statements: **Pages S7329–30**

Amendments Submitted: **Pages S7338–56**

Notices of Intent: **Page S7356**

Authorities for Committees to Meet: **Pages S7356–57**

Record Votes: Three record votes were taken today. (Total—193) **Pages S7305, S7325–26, S7326**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:52 p.m., until 9:30 a.m., on Wednesday, July 12, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7360.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: STATE/JUSTICE/COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science and Related Agencies approved for full Committee consideration, 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, with an amendment in the nature of a substitute.

INSURANCE REGULATION REFORM

Committee on Banking, Housing, and Urban Affairs: Committee held a hearing to examine insurance regulation reform issues, receiving testimony from Alessandro Iuppa, Maine Superintendent of Insurance, Augusta, on behalf of the National Association of Insurance Commissioners; John D. Johns, Protective Life Corporation, Birmingham, Alabama; Thomas Minkler, Clark-Mortenson Agency, Inc., Keane, New Hampshire, on behalf of the Independent Insurance Agents and Brokers of America, Inc.; Travis Plunkett, Consumer Federation of America, Alan F. Liebowitz, Old Mutual (Bermuda) Ltd., on behalf of the America Bankers Insurance Association, and Scott A. Sinder, Scott Group, on behalf of the Council of Insurance Agents and Brokers, all of Washington, D.C.; Joseph J. Beneducci, Fireman's Fund Insurance Company, Novato, California; Jaxon White, Medmarc Insurance Group, Chantilly, Virginia, on behalf of the Property Casualty Insurers Association of America; Robert A.Wadsworth, Preferred Mutual Insurance Company, New Berlin, New York, on behalf of the National Association of Mutual Insurance Companies; and Robert M. Hardy, Jr., Investors Heritage Life Insurance Company, Frankfort, Kentucky, on behalf of the National Alliance of Life Companies.

Hearing recessed subject to the call.

RENEWABLE ENERGY

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the implementation of the Energy Policy Act of 2005 on geothermal energy and other renewable energy production of Federal lands in the Western states, including the current state of and potential for geothermal development, challenges faced by developers of geothermal resources, Federal, state, and local government actions to address these challenges, and how provisions of the Act are likely to affect Federal geothermal royalty disbursement and collections, after receiving testimony from Lynn Scarlett, Deputy Secretary of the Interior; Jim Wells, Director, Natural Resources and Environment, Government Accountability Office; Sally Collins, Associate Chief, Forest Service, Department of Agriculture; Walter S. Snyder, Boise State University, Boise, Idaho, on behalf of the Intermountain West Geothermal Consortium; Chris Taylor, Horizon Wind Energy, LLC, Portland, Oregon, on behalf of the American Wind Energy Association; Bernie Karl, Chena Hot Springs Resort, Fairbanks, Alaska; Paul A. Thomsen, ORMAT Technologies, Reno, Nevada, on behalf of the Geothermal Energy Association; Robert B. Liden, Stirling Energy Systems, Inc., Phoenix, Arizona, on behalf of the Solar Energy Industries Association; and V. John White,

Center for Energy Efficiency and Renewable Technologies, Sacramento, California.

NORTH KOREA

Committee on Foreign Relations: Committee met in closed session to receive a briefing relative to North Korea from John D. Negroponte, Director of National Intelligence.

SOMALIA

Committee on Foreign Relations: Subcommittee on African Affairs concluded a hearing to examine United States government policy and challenges relative to Somalia, after receiving testimony from Jendayi E. Frazer, Assistant Secretary of State for African Affairs; Michael E. Heiss, Assistant Administrator, Bureau for Democracy, Conflict, and Humanitarian Assistance, U.S. Agency for International Development; and David H. Shinn, George Washington University Elliott School of International Affairs, Andre Le Sage, National Defense University Africa Center for Strategic Studies, and J. Stephen Morrison, Center for Strategic and International Studies, all of Washington, D.C.

NOMINATIONS:

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Anna Blackburne-Rigsby and Phyllis D. Thompson, each to be an Associate Judge of the District of Columbia Court of Appeals, and Jennifer M. Anderson, to be an Associate Judge of the Superior Court of the District of Columbia, who were all introduced by District of Columbia Delegate Norton, after the nominees testified and answered questions in their own behalf.

HAMDAN V. RUMSFELD

Committee on the Judiciary: Committee concluded a hearing to examine efforts to establish a constitutional process for the humane treatment and fair trial of suspected terrorist detainees, relative to the recent Supreme Court's decision in Hamdan v. Rumsfeld, after receiving testimony from Steven G. Bradbury, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice; Daniel J. Dell'Orto, Principal Deputy General Counsel, Office of General Counsel, Paul W. Cobb, Jr., former Deputy General Counsel, and Lieutenant Commander Charles D. Swift, JAGC, USN, Office of Military Commissions, Office of Chief Defense Counsel, all of the Department of Defense; Theodore B. Olson, Gibson, Dunn and Crutcher, Washington, D.C., former Solicitor General; Harold Koh, Yale Law School, New Haven, Connecticut; Scott L. Silliman, Duke University School of Law, Durham, North Carolina, former Judge Advocate General, USAF; and Daniel P. Collins, Munger, Tolles and Olson, Los Angeles, California, former Associate Deputy Attorney General.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit, who was introduced by Senators Warner and Allen, and Frances Marie Tydingco-Gatewood, to be Judge for the District Court of Guam, who was introduced by Guam Delegate Bordallo, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 5755–5764; and 3 resolutions, H.J. Res. 91 and H. Res. 908–909, were introduced. **Pages H5046–47**

Additional Cosponsors: **Page H5047**

Reports Filed: A report was filed today as follows: H.R. 4855, to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public and private school tuition assistance programs established under the Act (H. Rept. 109–553). **Page H5046**

Recess: The House recessed at 9:12 a.m. and reconvened at 10 a.m. **Page H4964**

Chaplain: The prayer was offered by the guest Chaplain, Rev. J. Cletus Kiley, President, The Faith and Politics Institute, Washington, D.C. **Page H4964**

Unlawful Internet Gambling Enforcement Act of 2006: The House passed H.R. 4411, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, by a recorded vote of 317 ayes to 93 noes, Roll No. 363. **Pages H4978–H5001, H5005–08**

Pursuant to the rule, in lieu of the amendments recommended by the Committees on Financial Services and the Judiciary now printed in the bill, the amendment in the nature of a substitute depicted in the Rules Committee Print dated July 5, 2006, shall be considered as adopted. **Page H4980**

Rejected the Conyers motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 167 ayes to 243 noes, Roll No. 362, after ordering the previous question. **Pages H5006–08**

Rejected:

Berkley amendment (No. 1 printed in H. Rept. 109–551) which sought to eliminate the exceptions to the bill's general prohibition against online gambling, thereby establishing a complete ban on all Internet gambling-related activities, by a yea-and-nay vote of 114 yeas to 297 nays, Roll No. 361. **Pages H4998–H5001, H5005–06**

H. Res. 907, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 214 yeas to 189 nays, Roll No. 360. **Pages H4969–78**

Further Consideration of Unlawful Internet Gambling Enforcement Act of 2006: Earlier, the House agreed by unanimous consent that during consideration of H.R. 4411, to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, pursuant to H. Res. 907, notwithstanding the ordering of the previous question, it may be in order at any time for the Chair to postpone further consideration of the bill until a later time to be designated by the Speaker. **Page H4978**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Amending the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention: S. 655, amended, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention; **Pages H5003–05**

Celebrating Advancement Via Individual Determination's 25 years of success: H. Res. 576, amended, to celebrate Advancement Via Individual Determination's 25 years of success; and **Pages H5008–10**

Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003: H.J. Res. 86, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. **Pages H5010–12**

Suspension—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration of the measure is expected to resume tomorrow, July 12th:

To study and promote the use of energy efficient computer servers in the United States: H.R. 5646, amended, to study and promote the use of energy efficient computer servers in the United States. **Pages H5001–03**

Authorizing the printing and binding of a supplement to, and revised edition of, Senate Procedure: The House agreed by unanimous consent to S.J. Res. 40, to authorize the printing and binding of a supplement to, and revised edition of, Senate Procedure—clearing the measure for the President. **Page H5010**

Quorum Calls—Votes: Two yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H4977, H5005–06, H5007–08, and H5008. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 8:48 p.m.

Committee Meetings

CFIUS REFORM—REFORM OF NATIONAL SECURITY REVIEWS OF FOREIGN DIRECT INVESTMENTS ACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection, hearing on CFIUS Reform: H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act. Testimony was heard from Patrick A. Mulloy, Commissioner, United States-China Economic and Security Review Commission; and public witnesses.

DELETING ONLINE PREDATORS ACT

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on H.R. 5319, Deleting Online Predators Act of 2006. Testimony was heard from Greg Abbot, Attorney General, State of Texas; David W. Zellis, First Assistant District Attorney, Office of the Bucks County District Attorney, State of Pennsylvania; and public witnesses.

TERROR FINANCE TRACKING PROGRAM

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled

''The Terror Finance Tracking Program.'' Testimony was heard from Stuart Levey, Under Secretary, Terrorism and Financial Intelligence, Department of the Treasury.

PHARMACEUTICAL SUPPLY CHAIN SECURITY

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing entitled ''Pharmaceutical Supply Chain Security.'' Testimony was heard from Randall W. Lutter, Acting Associate Commissioner, Policy and Planning, FDA, Department of Health and Human Services; Kevin Delli-Colli, Deputy Assistant Director, Financial and Trade Investigations Division, Office of Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

TASK FORCE TO IMPROVE FEDERAL EMPLOYEE APPEALS

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled ''Establishing a Task Force to Improve Federal Employee Appeals.'' Testimony was heard from Neil A.G. McPhie, Chairman, Merit Systems Protection Board; William Tobey, Deputy Solicitor, Federal Labor Relations Authority; Cari M. Dominguez, Chair, EEOC; Scott Bloch, Special Counsel, Office of Special Counsel; Nancy H. Kichak, Associate Director, Strategic Human Resource Policy Division, OPM; Scot Beckenbaugh, Acting Deputy Director, Federal Mediation and Conciliation Service; and public witnesses.

IRAQ NATIONAL VICTORY STRATEGY

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations held a hearing entitled ''The Evolving National Strategy for Victory in Iraq.'' Testimony was heard from David M. Walker, Comptroller General, GAO; Ambassador James Jeffrey, Senior Advisor on Iraq to the Secretary, and Principal Deputy Assistant Secretary, Middle East, Department of State; BG Michael Jones, USA, Deputy Director, Political Military Affairs, Joint Chiefs of Staff, Department of Defense; Kenneth Katzman, Specialist in Middle East Affairs, CRS, Library of Congress; and public witnesses.

CHEMICAL FACILITY ANTI-TERRORISM ACT

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity approved for full Committee action, as amended, H.R. 5695, Chemical Facility Anti-Terrorism Act of 2006.

BALLAST WATER MANAGEMENT/ REDUCTION SHIP AIR POLLUTION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on a proposal regarding Ballast Water Management and Reduction of Air Pollution from Ships. Testimony was heard from RADM Brian M. Salerno, USCG, Director, Inspection and Compliance, U.S. Coast Guard, Department of Homeland Security; Timothy R.E. Kenney, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D742)*

H.R. 4912, to amend section 242 of the National Housing Act to extend the exemption for critical access hospitals under the FHA program for mortgage insurance for hospitals. Signed on July 10, 2006. (Public Law 109–240)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 12, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System, Linda Mysliwy Conlin, of New Jersey, to be First Vice President, and J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors, both of the Export-Import Bank of the United States, Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board, and Edmund C. Moy, of Wisconsin, to be Director of the Mint, Department of the Treasury, 10:30 a.m., SD–538.

Committee on Energy and Natural Resources: business meeting to consider the nomination of Marc Spitzer, of Arizona, to be a Member of the Federal Energy Regulatory Commission, 11:30 a.m., SD–366.

Committee on Finance: to hold hearings to examine S. 3495, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine development effectiveness of infrastructure projects relating to multilateral development banks, 9:30 a.m., SD–419.

Committee on Indian Affairs: to hold hearings to examine S. 660, to provide for the acknowledgement of the Lumbee Tribe of North Carolina, 9:30 a.m., SD–106.

Committee on the Judiciary: to hold hearings to examine immigration issues, 9:30 a.m., SD–226.

Committee on Small Business and Entrepreneurship: to hold hearings to examine strengthening participation of small

businesses in Federal contracting and innovation research programs, 10:30 a.m., SR–428A.

Select Committee on Intelligence: to hold a closed briefing on intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, hearing on standards of military commissions and tribunals, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing entitled ''No Child Left Behind: Ensuring High Academic Achievement for Limited English Proficient Students and Students with Disabilities,'' 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 4591, Stockholm and Rotterdam Toxics Treaty Act of 2005; H.R. 2567, Antifreeze Bittering Act of 2005; and H.R. 5337, Reform of National Security Reviews of Foreign Direct Investments Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''ILCs—A Review of Charter, Ownership, and Supervision Issues,'' 10 a.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Diversity: The GAO Perspective,'' 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Energy and Resources, hearing entitled ''Can the U.S. Electric Grid Take Another Hot Summer?'' 2 p.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Management, Integration, and Oversight, hearing entitled ''Federal 9/11 Assistance to New York: Lessons Learned in Fraud Detection, Prevention, and Control, Part I, Response,'' 2 p.m., 311 Cannon.

Committee on the Judiciary, to mark up the following bills: H.R. 2965, Federal Prison Industries Competition in Contracting Act of 2005; H.R. 1704, Second Chance Act of 2005; H.R. 1369, To prevent certain discriminatory taxation of natural gas pipeline property; H.R. 4772, Private Property Rights Implementation Act of 2005; and H.R. 4132, Law Enforcement Cooperation Act of 2005, 10:30 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Water and Power, hearing on the following bills: H.R. 3558, Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2005; H.R. 5282, Southern California Desert Region Integrated Water and Economic Sustainability Plan Act; H.R. 5299, Fort McDowell Indian Community Water Rights Settlement Revision Act of 2006; and H.R. 5715, To make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 9, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, 3 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing entitled ''Reforming the Wright Amendment,'' 2 p.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on the Reauthorization of the Appalachian Regional Commission and proposals to Create Additional Regional Economic Development Authorities, 1 p.m., 2253 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability Assistance and Memorial Affairs, to mark up the following bills: H.R. 5038, Veterans' Memorial Marker Act of 2006; and H.R. 2963, Dr. James Allen Disabled Veterans Equity Act, 4 p.m., 334 Cannon.

Committee on Ways and Means, hearing on the implementation of the U.S.-Peru Trade Promotion Agreement, 10:30 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 12

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 5441, Homeland Security Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 12

House Chamber

Program for Wednesday: Consideration of H.R. 2990—Credit Rating Agency Duopoly Relief Act of 2006 and H. Res. 906 (Rule).

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